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THE
PROCEEDINGS
OF A
GENERAL COURT-MARTIAL
HELD

At the HORSE-GUARDS on Friday the 7th, and
continued by several Adjournments to Mon-
day the 14th of March 1760:

AND OF

A GENERAL COURT-MARTIAL held at the HORSE-
GUARDS on Tuesday the 8th of March, and con-
tinued by several Adjournments to Saturday the 12th
of April 1760.

UPON THE TRIAL OF

Lord GEORGE JACKVILLE

Published by Authority.

EDINBURGH

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and for A. MILLAR in the Strand, London;

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GENERAL COURT-MARTIAL

H E L D

the House-Guards on Friday the 27th, and
continued by formal Adjournments to Mon-
day the 29th of March.



1. The Court has held that the Government is not required to prove that the defendant was aware of the existence of the ship.

UPON THE TRIAL OF

LORD GEORGE JACKNILL

EDITH BURNETT

and Mr. A. J. ...

2530 M

**WARRANT
FOR HOLDING A**

GENERAL COURT-MARTIAL

For the TRIAL of

LORD GEORGE SACKVILLE.

GEORGE R.

WHEREAS We were pleased, by Our Commission dated on the thirty-first Day of *October*, One thousand seven hundred and fifty-eight, to appoint *George Sackville* Esquire, commonly called *Lord George Sackville*, then a Lieutenant-general in Our Service, to be Commander in Chief of all Our *British* Forces, as well Horse as Foot, then serving on the *Lower Rhine* in Our Army assembled, or to be assembled there under the Command of Our good Cousin Prince *Ferdinand of Brunswick*, Commander in Chief of our said Army, enjoining and requiring him, the said *Lord George Sackville*, to obey such Orders and Directions as should be given him by the said Prince *Ferdinand*, or such other Person as might hereafter be Commander in Chief of our said Army, according to the Rules of War: AND WHEREAS We were pleased by Our Instructions, under Our Sign Manual, bearing Date the same thirty-first Day of *October* One thousand seven hundred and fifty-eight, to direct the said *Lord George Sackville* constantly to put in Execution such Orders as he might receive from Our said good Cousin Prince *Ferdinand of Brunswick*, or such other Person as might hereafter be Commander in

Chief of our said Army, according to the Rules of War, with regard to marching, countermarching, attacking the Enemy, and all Operations whatsoever to be undertaken by Our said Troops, AND WHEREAS We were informed that the said Lord *George Sackville* hath disobeyed the Orders of the said Prince *Ferdinand*, which Charge We thinking fit should be enquired into by a General Court-Martial, did, by Our Warrant, bearing Date the twenty-sixth Day of *January* last, order that a General Court-Martial should be forthwith held upon that Occasion, which was to consist of Our trusty and Well-beloved *Richard Onslow* Lieutenant-General of Our Forces, whom We did appoint to be President thereof, and of Our Trusty and Well-beloved *Henry Pulteney*, Sir *Charles Howard* Knight of the *Bath*, *John Huske*, *John Campbell*, Our Right Trusty and Well-beloved Counsellor *John Lord De Lawarr*, Our Trusty and Well-beloved *James Cholmondeley*, *James Stuart*, Our Right Trusty and Well-beloved Cousin *William* Earl of *Pannure*, Our Trusty and Well-beloved *William Kerr* commonly called Earl of *Ancram*, Our Right Trusty and Well-beloved Cousin *William* Earl of *Harrington*, Our Trusty and Well-beloved *James Abercromby*, Our Right Trusty and Well-beloved Cousin *George* Earl of *Albemarle*, Our Trusty and Well-beloved *Francis Leighton*, Lieutenant-Generals, Our Trusty and Well-beloved *Edward Carr*, Our Right Trusty and Well-beloved Cousin *Thomas* Earl of *Effingham*, Our Trusty and Well-beloved *Robert Rich*, and *William Belford*, Major-Generals of Our Forces; all of whom, or the said President, together with any twelve or more of the said Officers, might constitute the said General Court-Martial; which said General Court-Martial hath met, but hath not yet examined any Witnesses: AND WHEREAS it hath been since represented that the said President Lieutenant-General *Richard Onslow* hath been taken suddenly ill, and is unable to attend: AND WHEREAS, if others of the said Members should by unavoidable Accidents be prevented from attending, there

there may not be a sufficient Number to compose a General Court-Martial, OUR WILL AND PLEASURE IS, and WE do hereby direct, that the General Court-Martial for the Trial of the said Lord *George Sackville* do consist of Our Trusty and Well-beloved Sir *Charles Howard* Knight of the *Bath*, whom We do hereby appoint to be President thereof, and of Our Trusty and Well-beloved *John Huske*, *John Campbell*, Our Right Trusty and Well-beloved Counsellor *John Lord De Lawarr*, Our Trusty and Well-beloved *James Cholmondeley*, *James Stuart*, Our Right Trusty and Well-beloved Cousin *William* Earl of *Panmure*, Our Trusty and Well-beloved *William Kerr* commonly called Earl of *Ancrum*, Our Right Trusty and Well-beloved Cousin *William* Earl of *Harrington*, Our Trusty and Well-beloved *James Abercromby*, Our Right Trusty and Well-beloved Cousin *George* Earl of *Albemarle*, Our Trusty and Well-beloved *Francis Leighton*, *Robert Manners* Esquire commonly called Lord *Robert Manners*, Lieutenant-Generals, Our Trusty and Well-beloved *Edward Carr*, Our Right Trusty and Well-beloved Cousin *Thomas* Earl of *Effingham*, Our Trusty and Well-beloved *Robert Bertie* Esquire commonly called Lord *Robert Bertie*, and *Julius Caesar*, Major-generals of Our Forces; all of whom, or the said Lieutenant-General Sir *Charles Howard* President, together with any twelve or more of the said last mentioned Officers, may constitute the said General Court-Martial: AND you are to order the Provost Martial-General, or his Deputy, to give Notice to the said President and Officers, and all others whom it may concern, when and where the said Court-Martial hereby appointed is to be held, and to summon such Witnesses as shall be able to give Testimony in this Matter, the said Provost Martial-General and his Deputy being hereby directed to obey your Orders, and give Attendance where it shall be requisite. AND WE do further authorise and empower the said Court-Martial hereby appointed, to hear and examine all such Matters and Informations, as shall be brought before them

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touching the Charge aforesaid, and proceed in the Trial of the said Lord *George Sackville*, and in giving of Sentence, according to the Rules of Military Discipline, which said Sentence you are to return to our Secretary at War, to be laid before Us for Our Consideration: And for so doing this shall be, as well to you, as to the said Court-Martial hereby appointed, and all others concerned, a sufficient Warrant. Given at Our Court at *St. James's* this 6th Day of *March* 1760, in the thirty-third Year of Our Reign.

BY HIS MAJESTY's COMMAND,

HOLDERNESSE.

To
Our Trusty and Well-beloved
Thomas Morgan Esquire, Judge-
Advocate-General of Our Forces,
or his Deputy.

AT A GENERAL COURT MARTIAL held at the Judge Advocate General's Office at the *Horse Guards*, on *Friday* the 7th, and continued by several Adjournments to *Monday* the 24th of *March* 1760, by Virtue of his Majesty's Special Warrant, bearing Date the 6th Day of the same Month.

LIEUTENANT GENERAL SIR CHARLES HOWARD,
President.

Lieutenant General	{	JOHN CAMPBELL.
		JOHN LORD DELAWARR.
		JAMES CHOLMONDELEY.
		JAMES STUART.
		WILLIAM EARL OF PANMURE.
		WILLIAM KERR, EARL OF ANCRAM.
		WILLIAM EARL OF HARRINGTON.
		JAMES ABERCROMBY
		GEORGE EARL OF ALBEMARLE.
		FRANCIS LEIGHTON.
Maj. Gen.	{	LORD ROBERT MANNERS.
		EDWARD CARR.
		THOMAS EARL OF EFFINGHAM.
		LORD ROBERT BERTIE.
		JULIUS CÆSAR.

CHARLES GOULD, DEPUTY JUDGE ADVOCATE GENERAL.

THE MEMBERS being met, and duly sworn (the Judge-Advocate being also sworn, and prosecuting in his Majesty's Name,)

THE RIGHT HONOURABLE GEORGE SACKVILLE Esq; commonly called LORD GEORGE SACKVILLE, came Prisoner before the Court, and the following Charge was exhibited against him, *viz.*

‘ WHEREAS his Majesty was pleased, by his Commission
 ‘ dated the 31st Day of *October* 1758, to appoint him, being
 ‘ then a Lieutenant General in his Majesty's Service, to be
 ‘ Commander in Chief of all his *British* Forces, as well Horse
 ‘ as Foot, then serving on the *Lower Rhine*, in his Army
 ‘ assembled, or to be assembled there, under the Command
 ‘ of Prince *Ferdinand of Brunswick*, Commander in Chief
 ‘ of his Majesty's said Army, enjoining and requiring him to
 ‘ obey

‘ obey such Orders and Directions as should be given him by
 ‘ the said Prince *Ferdinand*, or such other Person as might
 ‘ thereafter be Commander in Chief of his Majesty’s said Ar-
 ‘ my, according to the Rules of War ; AND WHEREAS his
 ‘ Majesty was also pleased, by Instructions under his Sign Ma-
 ‘ nual, bearing Date the same 31st Day of *October* 1758, to
 ‘ direct him constantly to put in Execution such Orders as he
 ‘ might receive from the said Prince *Ferdinand* of *Brunswick*,
 ‘ or such other Person as might thereafter be Commander in
 ‘ Chief of his Majesty’s said Army, according to the Rules of
 ‘ War, with regard to marching, counter-marching, attack-
 ‘ ing the Enemy, and all Operations whatsoever to be under-
 ‘ taken by his Majesty’s said Troops ;

‘ That he the said Lord *George Sackville* hath nevertheless
 ‘ disobeyed the Orders of the said Prince *Ferdinand* of *Brun-*
 ‘ *swick*.’

WHICH Charge of Disobedience was by the Judge Advo-
 cate declared to be confined to Orders relative to the Battle of
Minden.

The following Commission and Instructions being admitted
 by Lord *George Sackville* to be true Copies of those received by
 his Lordship, were then read, viz.

‘ G E O R G E R .

‘ GEORGE THE SECOND, by the Grace of God, King
 ‘ of *Great-Britain*, *France* and *Ireland*, Defender of the
 ‘ Faith, &c. To our trusty and well-beloved *George Sackville*,
 ‘ Esq; commonly called Lord *George Sackville*, Lieutenant
 ‘ General of our Forces, and Lieutenant General of our Ord-
 ‘ nance, Greeting. We reposing especial Trust and Confi-
 ‘ dence in your Prudence, Courage, and Loyalty, have ap-
 ‘ pointed, and, by these Presents, do appoint you to be Com-
 ‘ mander in Chief of all our *British* Forces, as well Horse as
 ‘ Foot, now serving on the *Lower Rhine*, in our Army assem-
 ‘ bled, or to be assembled there, under the Command of our
 ‘ good Cousin Prince *Ferdinand* of *Brunswick*, Commander
 ‘ in Chief of our said Army ; and all our Officers and Soldi-
 ‘ ers of our said *British* Forces serving, or to serve on the
 ‘ *Lower Rhine*, as aforesaid, are hereby enjoined and requir-
 ‘ ed to obey you, as Commander in Chief. And you, on
 ‘ your Part are hereby enjoined and required to obey such Or-
 ‘ ders and Directions, as shall be given you by our said good
 ‘ Cousin Prince *Ferdinand* of *Brunswick*, or such other Person
 ‘ as may hereafter be Commander in Chief of our said Army,
 ‘ according

according to the Rules of War— And for the better Government of our said *British* Forces so employed, or to be employed, in serving on the *Lower Rhine*, as above mentioned, we have thought fit to authorize and impower, and, by these Presents, do authorize and impower you to prepare and publish such Rules and Ordinances, as are fit to be observed by all Officers and Soldiers under your Command; as also to punish all Offenders and Transgressors against the same, by Death, or otherwise, according to the Nature of their Offences, as they shall appear upon Trial before a Court Martial, which we hereby give you Power and Authority to assemble, as often as you shall see Occasion, agreeable to the Rules and Orders for the better Government of our Forces employed in foreign Parts; and, according to their Judgment, you are to cause Sentence to be pronounced against the Person or Persons so offending, either of Pains of Death, or of such other Pains; or Penalties, as shall be thought fit to be inflicted by the said Court Martial; which Sentence; or Sentences; you are to cause to be put in Execution; or to suspend the same, as, in your Discretion, you shall see Cause; we giving you Power to reprieve any Person, under any Sentence, till our Pleasure be known; and for Execution of Justice in our said *British* Forces, we give you Authority to appoint a Provost Martial, to use and execute that Office, as usually practised in the Law Martial. And whereas we have appointed a Judge Advocate to attend the said Court Martial, for the more orderly Proceedings of the same; we do hereby give you Power, in Case of Death, Sickness, or necessary Absence of the said Judge Advocate; to depute another Person, such as in your Discretion you shall think fit, to execute the said Office. And we do further authorize you to cause exact Musters to be taken of the respective Troops and Companies of our said Forces, and to sign Warrants for their Pay, according to the said Musters, in Pursuance of an Establishment made for that Purpose. And whereas by the said Establishment, there is a Provision made for such contingent Charges as may arise for our Service, and the Use of our Forces, you are hereby authorized to direct the Payment of the said Money, in such Proportions; as you shall, in your Discretion, think necessary for the Purposes aforesaid. And for executing the several Powers and Authorities herein expressed, this shall be your Warrant. Given at our Court at *Kensington*; the thirty-first Day of *October* 1758, in the thirty-second Year of our Reign.

By his Majesty's Command,

‘HOLDERNESSE.’

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INSTRUCTIONS for Our Trusty
and well-beloved George Sackville,
Esq; commonly called Lord George
Sackville, Lieutenant General of Our
GEORGE R. Forces, and Lieutenant General of
Our Ordnance, whom We have ap-
pointed to command Our British For-
ces now Serving, or to Serve on the
Lower Rhine. GIVEN at Our Court
at Kensington, the Thirty-first Day of
October 1758, in the Thirty-second
Year of Our Reign.

1. **WHEREAS** We have thought fit to appoint you,
by the Commission herewith transmitted to you, to
be Commander in Chief of Our *British* Forces employed on
the *Lower Rhine*; you are, upon the Receipt of these Our
Instructions and Commission, to give due Notice thereof to
Our good Cousin Prince *Ferdinand of Brunswick*, Command-
er in Chief of Our Army now assembled upon the *Lower
Rhine*.

2. **WITH** regard to Marching, Counter-marching, At-
tacking the Enemy, and all Operations whatsoever, to be
undertaken by Our said Troops, you are constantly to put
in Execution such Orders as you may receive from Our said
good Cousin Prince *Ferdinand of Brunswick*, or such other
Person as may hereafter be Commander in Chief of Our said
Army, according to the Rules of War.

3. **IN CASE** of the Vacancy of any Commission in Our
said *British* Forces, you are to give Us immediate Notice
thereof, in order to your receiving Our further Pleasure
thereupon, recommending to Our Favour such Officers as
shall, in your Opinion, best deserve to be advanced.

4. **DURING** your Continuance in this Service, you are
to send, or cause to be sent to Us, by one of Our principal
Secretaries of State, constant Accounts of all that passes;
and you are to follow all such further Orders and Directions
as We shall send you, either under Our Sign Manual, or
by one of Our principal Secretaries of State.

G. R.

THEN the following Witnesses were examined in Support
of the Charge.

LIEUTE.

LIEUTENANT COLONEL CHARLES HOTHAM, Adjutant-General to the *British* Forces in *Germany*, being Sworn and Questioned, WHETHER any and what Order was given out on the 29th of *July* last, for reconnoitering the *Debouchés* leading into the Plain of *Minden*?

DEPOSED, That the Order given out on the 29th of *July* was this:—‘ The Regiments to make immediately necessary Overtures and Communications, that they may be able to march in Front without any Impediment. The Generals will take particular Notice of the Nine *Debouchés* by which the Army may advance to form in the Plain of *Minden*, that they may be well acquainted with them, should the Army be ordered to advance in Front.’

BEING desired to inform the Court, Whether any and what Order was given out on the 31st of *July* last, relative to the Army being in Readiness to march the next Morning, and for the Generals to reconnoitre the Ground?

He DEPOSED, That in the Evening of the 31st, he thinks, about Six o’Clock, he received and sent up to the Line an Order to this Effect:—‘ HIS SERENE HIGHNESS ORDERS, That at One o’Clock To-morrow Morning, the Army shall be ready to March; the Cavalry must be saddled; the Artillery Horses harnessed, and the Infantry gathered; but the Tents are not to be struck, nor the Troops put under Arms, till further Orders.’ This was the Order he sent to the Line:—There was another Part of it relative to Lord *George Sackville* only, of the *British*, which he immediately shewed to his Lordship, together with that which he has now recited, upon his Return from the advanced Picquets, where he had been detached. The Purport of it was:—‘ That his Serene Highness desired the Generals leading Columns, according to the Disposition given that Day, would make themselves acquainted with the Avenues leading (or March of the Columns) from the Camp, as well as the Ground in Front.’ The Deponent does not positively recollect, whether the Position the Army would then take, was mentioned, or not. This, to the best of his Recollection, is the Substance of that Order.

Q. Can he recollect, whether there was any Disposition mentioned for the Line of Battle in this Order?

A. He cannot positively recollect, whether there was, or not.

Q. Was the Disposition of March the same on the 31st, as it was on the 29th?

A. He does not recollect any on the 29th.—That on the 31st, he produced and delivered into Court, at the same Time saying, that it was given out earlier in the Day than the Order he has before recited.

Q. How long was the Army in the Camp of *Hille*?

A. It arrived there upon the 29th of *July*.

Q. What Distance was the Camp from *Halen*?

A. From three to four Miles; he can't be sure of the Distance.

Q. (By Desire of Lord *George Sackville*) At what Time of the Day were the Orders issued on the 29th?

A. He don't exactly remember.

Q. Was it not after the Business of the Day was over?

A. The Army marched on the 29th, and it was after their Arrival at the Camp of *Hille*, that the Orders were given.

Q. Were the Orders given out before the Prince returned from reconnoitering that Day, after the March?

A. He really does not remember that Day; it often happened, that they were given out before his Return, but that Day, he can't be sure.

CAPTAIN HENRY STUBBS, who was acting Major of Brigade on the 1st of *August* last, being Sworn, and desired to relate, what he knows of any Orders coming to the Camp that Morning early, and of the Time when Lord *George Sackville* joined the Cavalry of the Right Wing?

DEPOSED, That on the first of *August* last, a little before Four o'Clock, an Aide de Camp came to his Tent from Prince *Ferdinand*, and enquired for Lieutenant Colonel *Preston*; the Deponent thought he brought some Orders for the Cavalry, and went to him: He told the Deponent, his Business was to order the Cavalry to strike their Tents, and immediately form at the Head of the Lines. The Deponent accordingly sent the Orderly Man in Waiting to the First and Second Line, acquainting them with these Orders, and they immediately struck their Tents, mounted, and formed.

Q. Does he know of this Order being then communicated to Lord *George Sackville*?

A. He does not, at that Time.

Q. Does he know, at what Time Lord *George Sackville* appeared at the Head of the Cavalry?

A. The Deponent went to Lord *George Sackville* to inform him, the Troops were formed:—Upon their being formed, he heard several Officers say, Where is Lord *George Sackville*, who

who is to lead the Line?—Whereupon, knowing the Village his Lordship was quartered in, he galloped down to his Quarters to acquaint him the Line was formed: He found his Lordship in the Yard of his Quarters between the Stables and the House. His Lordship ordered his Horse, and followed the Deponent up to the Line, saying, he had but just before had Notice of it from General *Sporcken*.

Q. (By Desire of Lord *George Sackville*) Were the Cavalry saddled in the Morning at One o'Clock according to Order?

A. He thinks he saw them saddled at Four, he cannot speak any further.

Q. From whom ought he regularly to receive his Orders as Major of Brigade?

A. He judges he is to obey all Orders brought to him from proper Authority; he has received them from Generals, Aides de Camp, and Pass-Paroles.

The Question being again proposed, From whom he ought regularly to receive his Orders?

A. He apprehends, from the Commander in Chief, from the Commander of the *British*, the General commanding the Brigade, the Adjutant General, or any other Person authorised to give Orders.

Q. Was not the regular Conveyance from the *British* Adjutant General?

A. He believes it was; he received many Orders from thence, and many which came through other Channels.

Q. (By the Court) How long was it after receiving the Orders, before he went to Lord *George Sackville*?

A. He thinks it was between the Hours of Five and Six: It took up about an Hour and a Quarter after Receipt of the Order, before the Cavalry was formed, at the Head of the Lines; it might be more.

Q. Did this Aide de Camp at the same Time order the Cavalry to march, as soon as formed?

A. No.

Q. Was he near enough to know, whether the other Columns were in March, when the Cavalry was formed at the Head of the Lines?

A. He rather believes the Infantry were not in March when he went to his Lordship, but when he returned, he thinks what he saw of the Infantry were just broke, and forming their March.

Q. How long had the Cavalry been formed, and ready to march, before Lord *George Sackville* appeared at the Head of them?

A. He

A. He believes, about Half an Hour, as near as he can judge.

Q. (By Desire of Lord George Sackville) Did he not, as he rode along, see or hear an Officer from General *Sporcken* give him an Order to put the Cavalry in Motion, as he was beginning his March with the Infantry?

A. He did not see any such Officer, nor hear any such Words.

Q. (By the Court) Did they return very quick, or slow back?

A. He galloped all the Way; and Lord George Sackville came just behind him.

Q. How long was it, before the Cavalry marched, after Lord George Sackville appeared at the Head of the Cavalry?

A. Immediately:—Lieutenant Colonel *Sloper* said, they had been ready formed some Time, and asked his Lordship's Orders, if he would please to have them march; and his Lordship gave Orders, and they marched immediately.

LIEUTENANT COLONEL JAMES JOHNSTON, of the Royal Regiment of Horse Guards, being sworn, and desired to mention what he knows of an Order for the Cavalry to form early on the 1st *August* last, deposed, — That the Cavalry was formed at the Head of the Lines about Four o' Clock, as he thinks, before they marched on the 1st *August*, but he cannot say, of his own Knowledge, at what Time the Order came.

BEING ASKED at what Time Lord George Sackville joined them?

ANSWERED, it might be about Half an Hour after they were formed, when his Lordship came, as he believes, from his Quarters, and spoke to the Deponent, who acquainted him, that General *Sporcken* and Colonel *Reden* had enquired for his Lordship, and that, he believed, they should have something to do. He don't remember that any thing more passed between Lord George Sackville and him, his Lordship then going to the Right of the Brigade.

BEING ASKED, whether any Thing passed within his Observation, upon the Day of the Battle of *Minden*, which he thinks material for the Information of the Court upon this Trial?

ANSWERED, Lieutenant Colonel *Ligonier* told him, at one Time of the Day, that he had carried the Prince's Orders to Lord George Sackville to bring up the Cavalry; that we had a very fine Opportunity of gaining a great deal of Credit, the Enemy

Enemy being all in Disorder ; but can say nothing of his own Knowledge.

BEING AGAIN ASKED, said, He does not know any Thing farther material for the Information of the Court.

Q. Between the Time of his seeing Lieutenant Colonel Ligonier and the Cavalry's Marching, how long was it ?

A. He believes, it was about twenty Minutes.

CAPTAIN WINTZINGERODE, *Hessian* Aid-de-camp to H. S. H. Prince *Ferdinand* of *Brunswick*, was sworn ; but he not thinking himself sufficiently conversant in the *English* Language, to give his Testimony therein, WILLIAM HAMILTON, Esq; was prevailed upon to interpret his Evidence ; and, being duly sworn for that Purpose, the Witness was (through him) desired to relate to the Court whether he carried any, and what Orders from H. S. H. to Lord *George Sackville* on the 1st of *August* last, and what passed in consequence of those Orders ? and in answer deposeth, — That he was Aid de camp to H. S. H. upon the Day of the Battle of *Minden*, (as he is still) and did carry Orders from H. S. H. to Lord *George Sackville* ; — he does not remember the Hour, but he knows very well the Situation the Army was in at that Time : It was at the Time when the Infantry of the Right Wing was a second Time advancing towards the Enemy, after having made some halt by Order of H. S. H. to give Time for the Infantry adjoining, and the second Line to come up and form : It was then, as he has been saying, that H. S. H. ordered him to go and give his Orders to Lord *George Sackville* to advance with the Cavalry of the right Wing, to sustain our Infantry, which was going to be engaged. — The Witness set out immediately : The Duke of *Richmond* joined him after he had gone a few Paces, to tell him again, from H. S. H. to hasten the arrival of the Cavalry, and to tell Lord *George Sackville* to form with the Cavalry of the right Wing, under his Command, upon the Heath in a third Line behind our Infantry. He found Lord *George Sackville* with the Cavalry of the right Wing posted, where, he believes, he was first formed, some Distance, but he can't ascertain how far, behind our Artillery, which was posted near the Windmill of the Village of *Halen*, having some Trees upon its Left, which prevented its seeing our Infantry. In coming up he passed before the second Line ; he asked where he could find Lord *George Sackville* ? — Lord *Granby*, whom he met at that Instant, at the head of the second Line of Cavalry, told him, he would find Lord *George Sackville* at the Head of the first

first Line. — He acquainted Lord *Granby* then, as he passed, that he was going to carry the Order to Lord *George Sackville* from his H. S. H. to advance, and form upon the Heath behind the Infantry, to sustain them. — (The Witness, upon his Evidence being afterwards again read over to him, desired it might be here understood and inserted, that he then mentioned to Lord *Granby*, that they were to pass through the Trees upon the Left, in order to get upon the Heath, and form there.) After this he found Lord *George Sackville* at the Head of the first Line of Cavalry. He communicated to him H. S. Highness's Orders, as they had been given to him by the Prince; Lord *George Sackville* seemed not to understand him; and asked him, how that was to be done? He endeavoured to explain them to him, as well as he could. — (The Terms, or Words he made use of, he don't exactly remember, but he is certain he explained the Sense of the Orders, which he brought him.) — He made him understand that he was to pass with the Cavalry between the Trees, which he saw upon his Left; that he would then come upon the Heath, where he was to form with the Cavalry, to advance in order to sustain our Infantry, which he thought was already engaged with the Enemy. Lord *George Sackville* asked him again several Questions, how that was to be done: The Witness repeated to him what he has been saying. — Lord *George Sackville* then turned towards the Officers attending him, and the Witness firmly persuaded, that he was going to give the Orders for advancing, went to rejoin H. S. H. — On coming upon the Heath behind our Infantry, which was then fully engaged with the Enemy, he saw Lieutenant Colonel *Fitzroy* coming towards him full gallop, who asked him why the Cavalry of the right Wing did not advance, and gave him to understand, as he passed him, that H. S. H. was under the greatest Impatience about it. The Witness followed him to tell him, that he had been with the Order for that Purpose from H. S. H. to Lord *George*, and that the Cavalry was coming. — (The Witness, upon his Deposition being afterwards read over to him, desired it might be inserted, that he recollects his mentioning also to Lieutenant Colonel *Fitzroy* as he passed, that Lord *George Sackville* seemed for sometime not to understand him.) — But Lieutenant Colonel *Fitzroy*, without waiting for the Answer, went his Way towards Lord *George*; and the Witness, seeing that the Cavalry of the right Wing, from whence he was coming, made as yet no Movement on that Side of the Trees, where they were to form, upon the Heath, followed Lieutenant Colonel *Fitzroy* to assist him in hastening

hastening the Cavalry to advance, he going towards Lord *George Sackville*, and the Witness towards Lord *Granby*, whom he found at the Head of the second Line of Cavalry, in the same Position, as he found him, when he passed by his Lordship first. He has nothing farther to say concerning Lord *George Sackville*, or of the Orders which he carried him from H. S. H.

Q. Did he repeat the Substance of Prince *Ferdinand's* Orders, in any other Language than French?

A. He spoke to Lord *George Sackville* in general in French; and he don't remember to have made use of the English Language, nor of any other, except that he thinks he endeavoured to make him understand in English, that he was to pass between the Trees on his Left, to form upon the Heath on the other Side.

Q. (By desire of Lord *George Sackville*). In what Service is he?

A. In the Service of the Landgrave of *Hesse Cassel*.

Q. In what Rank was he on the first of *August* last?

A. A Captain of Foot.

Q. Did he ever serve in the Cavalry?

A. No.

Q. Did he know before he saw the Infantry going to charge, that the Enemy's Cavalry was posted in the Centre of their Line?

A. He saw the Enemy presented them a Front of Cavalry and Infantry; he did not distinguish or attend to their Disposition, being employed in carrying Orders backwards and forwards.

Q. Whether the Position of the Cavalry of the right Wing, in respect of the Infantry of the allied Army, was, or was not, drawn up in such a Manner, as to shew, that the Cavalry of the Enemy was expected to have been upon the Flank of their Infantry?

A. He only carried Orders to Lord *George Sackville* to advance upon the Heath, behind our Infantry: he is not experienced enough to be able to judge of the Disposition, which the Army was then in, and still less, to judge of the Reasons, which H. S. H. had for employing the Cavalry, where he thought proper.

Q. How far was it from the Cavalry to the Place where he met Lieutenant Colonel *Fitzroy*?

A. He cannot ascertain the Distance.

Q. Did he gallop, or what Pace did he go?

A. Full Gallop.

Q. Did he apprehend his Orders, and Lieutenant Colonel Fitzroy's to have been the same?

A. By the Question which Lieutenant Colonel Fitzroy asked him, he judged that he was going with some Orders to Lord George Sackville; but he asked him no Question about it, seeing that he was in too great a Hurry to be able to give him any Answer.

ADJOURNED till to-morrow Morning
at Ten o'Clock.

SATURDAY 8th MARCH 1760.

THE COURT being met pursuant to Adjournment, Captain WINTZINGERODE was farther examined by the Court.

Q. What Distance were the Cavalry from the second Line of Infantry, when he carried Lord George Sackville the Prince's Orders to advance?

A. He cannot fix the Distance; but, as near as he can remember, the Infantry could not then have advanced an hundred Paces from the Place, where they were first formed.

Q. What sort of Ground was there for the Cavalry to march upon, from the Place where they were first formed, to that, where they were to form behind the second Line of Infantry?

A. As far as he can remember to have observed in passing by, there were some Trees upon the Left of our Cavalry of the right Wing, through which it could, and was to pass, to get upon the Heath behind our Infantry, from whence it was to advance towards the Enemy.

Q. Does he think, if Lord George Sackville had immediately obey'd Prince Ferdinand's Orders, when he delivered them to his Lordship, that the Cavalry could have come up time enough to have supported our Infantry, and to have engaged the Enemy?

A. He was not present when our Infantry first engaged the Enemy; but he remembers well, that our Infantry was still engaged with the Enemy, when he rejoined H. S. Highness, after having been twice to our Cavalry of the Right Wing, to make it advance.

Q. Can he recollect the Distance of Time, between his first delivering the Prince's Orders to Lord George Sackville, and his Return to the Prince?

A. He can't justly recollect the Distance of Time; he believes, it might be about three Quarters of an Hour.

Q. What sort of Wood was it, through which the Cavalry were to pass?

A. It was an open Wood, and no Bashes, as he remembers.

Q. Was there any considerable Body of the Enemy's Infantry posted near that Wood, to oppose the Passage of the Cavalry?

A. He did not see any near that Wood.

Q. Were any of Lord George Sackville's Aides de Camp, or other Officers, present at the Time when he delivered, or explained the Prince's Orders to Lord George Sackville?

A. His Lordship was accompanied, (when he found him at the Head of the first Line; and when he delivered him the Orders of H. S. H.) by several Aides de Camp and other Officers; but he cannot name them all, as he did not take Notice of them.

Q. Can he name any of them?

A. He may be mistaken, but he thinks he saw Lieutenant Colonel *Hotham*, Captain *Hugo*, and he thinks, Lieutenant Colonel *Sloper* was there.

Q. When the Prince sent him to Lord George Sackville, did he inform him, where he would find the Cavalry?

A. He did not.

Q. Whether the Road or Way which he came from the Prince, when he carried the Orders, was the same which the Cavalry was to have gone, in case they had executed these Orders?

A. It was.

Q. Does he know any Reason, which could have prevented the Cavalry from executing the Orders brought by him to Lord George Sackville?

A. He did not see any Reason to hinder them.

Q. Were there any of the Enemy's Batteries upon the Right, where the Cavalry was to pass?

A. He did not observe any.

Q. How long was it from the second Time of his seeing Lord *Granby*, before the Cavalry marched?

A. When he came to Lord *Granby* the second Time, he told him to march directly with the second Line, as he knew, that the Duke waited with Impatience the coming up of the Cavalry; and Lord *Granby* followed him immediately with the second Line, which he led through the Trees to the Heath, where it was to form, in order to advance. As to the first Line, he cannot speak of his own Knowledge, being employed in leading the Second.

Lord Granby preparing to follow him with the second Line, desired him to acquaint Lord George Sackville; with which he commissioned an Officer belonging to Lord George Sackville, who came up at that Time, and who, if he is not mistaken, was Lieutenant Colonel Hotham.

Q. Did he deliver the Orders to Lord Granby in the British Name, or as from himself?

A. He told his Lordship, that it was the Order of H. S. H. that the Cavalry should advance.

Q. As he knew, that Lord George Sackville commanded the Cavalry of the right Wing, how came he to go to Lord Granby, to order him to advance, who was only second in Command.

A. He knew very well, that Lord George Sackville commanded the Cavalry of the right Wing, and accordingly acquainted himself of his Commission towards him, by delivering to him the Orders, which he had received from H. S. H. He returned the second Time to the Cavalry, with no other Intention, than to assist Lieutenant Colonel Fitzroy, in hastening the Arrival of the Cavalry; understanding by the Question which Lieutenant Colonel Fitzroy asked him, when he met him, that H. S. H. was waiting with Impatience their Arrival; and he knew besides, that Lieutenant Colonel Fitzroy was going to Lord George Sackville to make him advance.

Q. How far did he conduct the Cavalry upon the Heath?

A. As far as necessary to give them Ground to form.

Q. Was Lord Granby then stopped from advancing, by any Orders, and by whose?

A. As soon as he had conducted Lord Granby upon the Heath, seeing him in a way of advancing, he left him to rejoin H. S. H. and he is not informed of the Orders afterwards given him.

Q. As he had before on that Day carried Orders to Lord George Sackville for advancing the Cavalry, why, after having met Lieutenant Colonel Fitzroy, and followed him in order to forward the March of the Troops, he did not again apply himself to Lord George Sackville, to whom he had before carried Orders for that Purpose?

A. Because he knew that Lieutenant Colonel Fitzroy was going to Lord George Sackville to advance the first Line.

Q. What appeared to be in the Front of the Cavalry, when he first came to them?

A. He don't remember to have remarked any Enemy just opposite to the Cavalry; but he very well remembers our Artillery

illery posted at some distance in the Front of our Cavalry near the Windmill of the Village of *Halen*.

LIEUTENANT COLONEL EDWARD LIGONIER, Aide-de-Camp to Prince *Ferdinand*, deposed, That he brought Lord *George Sackville* Orders from Prince *Ferdinand* on the 5th of *August* last, to advance with the Cavalry in order to profit from the Disorder which appeared in the Enemy's Cavalry; he found his Lordship at the head of *Bland's* Dragoons; he delivered him his Orders, to which his Lordship made no answer, but, turning about to the Troops, ordered Swords to be drawn, and to march; which they did, moving a few Paces from the Right forward. He then told his Lordship, it was to the Left he was to march.

At that Time Lieutenant Colonel *Fitzroy* arrived, and delivered his Orders for the *British* Cavalry only to advance. Lord *George Sackville* turning to the Deponent, said, their Orders were contradictory; the Deponent answered, they differed only in Numbers, that the Destination of his March was the same,—"to the Left."—His Lordship then asked him, if he would lead the Column; he said, he could not undertake to conduct them properly, but that if his Lordship would trust it to him, he would do his best. This was all that passed between Lord *George* and him.—The Deponent was prevented hearing what passed between Lord *George* and Lieutenant Colonel *Fitzroy*, being at that time at some Distance from them with Lieutenant Colonel *Soper*.—The Deponent saw Lord *George Sackville* and Lieutenant Colonel *Fitzroy* returning to find the Prince.

Q. What Report did he make to the Prince, when he returned?

A. He told H. S. H., Lord *George Sackville* was coming to him.

Q. Did he see Lieutenant Colonel *Johnston* that day?

A. When he left Lieutenant Colonel *Soper*, he went to Lieutenant Colonel *Johnston* before he returned to the Prince, and told him, that he had brought Orders for the Cavalry to advance, and that it would be a noble Opportunity for them to distinguish themselves.

Q. (By Desire of Lord *George Sackville*) Was he sent from the Prince upon any, and what Report, made to him by the Duke of *Richmond*?

A. He presumes, he was sent to Lord *George Sackville* on Account of many Reports being made to the Prince, of the Enemy's

Enemy's Cavalry being in Confusion: but can't speak as to a Report of the Duke of *Richmond* particularly.

Q. Was the Prince in a Situation to see them himself?

A. The Deponent was not long enough with the Prince, at the Time when he received the Orders from H. S. H. to know, whether he could have seen their Confusion from the Spot where he delivered him the Orders; but imagines, that by riding twenty Paces either to the Right or Left, he might himself have seen the Enemy's Cavalry.

Q. Did he and Lieutenant Colonel *Fitzroy* leave the Prince at the same Time?

A. No.

Q. What Distance of Time intervened?

A. The Deponent can't say; he came first.

Q. Was Lieutenant Colonel *Fitzroy* with the Prince, when he left him?

A. He can't say; he believes he was.

Q. Did he, or not, apprehend his Orders to have been the same with those brought by Lieutenant Colonel *Fitzroy*?

A. By his following him so immediately, he thought there was a Probability they might be so; but this is merely Conjecture.

Q. Did he ever declare, when last in *England*, that they were the same?

A. No.

Q. Did he ever say, that he had mistaken the Orders, or changed them?

A. No.

Q. Did he insist upon his being in the Right in his Orders, after Lieutenant Colonel *Fitzroy* joined his Lordship; and that they were to be obeyed?

A. Yes, peremptorily; as to his being in the Right in delivering the Orders he had received; but as to insisting, that those Orders were to be obey'd, he did not, after Lieutenant Colonel *Fitzroy* arrived.

Q. What was the Situation of the Enemy, when he left the Prince?

A. He can't possibly say; he was returned but few Minutes from the Infantry upon the Right, when he received the Prince's Orders to go to Lord *George*.

Q. What was the Situation of the *British* Infantry at that Time?

A. It was formed in two Lines, advancing briskly.

Q. What Support had they from the foreign Infantry?

A. The

A. The *Hanoverian* Guards were upon their Left; he saw no troops upon the Right.

Q. Were any other Troops near them upon the Left?

A. Not that he recollects.

Q. Were there any behind them?

A. He don't know.

Q. In what Manner did the *British* Troops advance?

A. He can't be particular as to the Position of each Regiment, but the whole was advancing briskly.

Q. How long had they been engaged with small Arms, when the Deponent was sent to Lord *George Sackville*?

A. He can't be a Judge of that, as they were only advancing, when the Deponent left them.

Q. Does he know how long the Engagement with small Arms lasted?

A. He cannot say.

Q. Did he declare any thing, when he was last in *England*, about the Duration of the Engagement with small Arms?

A. In common Conversation he may have said, how long it lasted; but never positively.

Q. Did Lord *George Sackville* make the least Hesitation about obeying his Orders, till Lieutenant Colonel *Fitzroy* arrived?

A. No.

Q. (By the Court,) Does he recollect, what Time of the Day he brought these Orders?

A. He does not.

Q. Does he recollect, what Time of the Day it was, when the Enemy retired?

A. As nearly as he can recollect, between eight and nine.

Q. Does he recollect the Distance of Time between his carrying these Orders to Lord *George Sackville*, and the Enemy's retiring?

A. He cannot ascertain the Time; he should imagine about three Quarters of an Hour, but can speak with no Certainty.

Q. What Distance was the Cavalry from the second Line of Infantry, when he carried the Orders to Lord *George Sackville* to advance?

A. He should think a full Mile.

Q. What Sort of Ground was it for Cavalry to march over?

A. When once they had got through an open Grove upon their Left, there was a very fine Plain.

Q. How

Q. How far, and what sort of ground was it to that open Grove?

A. He thinks, the Cavalry were close to it: as he was only there once, he cannot positively say so, but he thinks so.

Q. Does he think, if Lord *George Sackville* had immediately obeyed the Orders brought either by him, or those brought by Lieutenant Colonel *Fitzroy*, that the Cavalry could have come up Time enough to have supported the Infantry, or to have engaged the Enemy?

A. He thinks it might.

THE HON. LIEUTENANT COLONEL CHARLES FITZROY, Aide-de-camp to Prince *Ferdinand*, deposed, That he brought an Order for the *British* Cavalry to advance towards the Left;—when he came up to his Lordship, he was on the Right of *Bland's* Regiment; he told him, it was the Prince's Order for the *British* Cavalry to advance towards the Left: his Lordship desired him not to be in an Hurry, and to give his Orders more distinctly; or something to that Effect.—The Deponent again repeated, it was the Prince's Order for the *British* Cavalry to advance towards the Left; he thinks Lord *George* observed, that Lieutenant Colonel *Ligonier's* Order was different. His Lordship said, he thought the Prince did not mean to break the Line: he thinks his Lordship asked which Way the Cavalry was to march? who was to be their Guide?—The Deponent told his Lordship, he did not know of any Guide being appointed, but offered to lead the Column himself through a little Wood, which was on their Left, where he imagined they might pass, two Squadrons in Front. Lord *George* then did not seem to be satisfied with the Order, saying, it did not agree with that which Lieutenant Colonel *Ligonier* had brought him: he desired the Deponent to lead him to the Prince, to have an Explanation of those Orders; which he did. Lord *George* came to the Prince, soon after he got up to him; he does not recollect exactly, what passed between the Prince and Lord *George*.—The Deponent heard something pass between Lord *George Sackville* and Captain *Smith*, just as he was got through the Wood, but did not hear it sufficiently to give it in Evidence.

Q. Did he carry any Order to Lord *Cranby* that Day?

A. Yes; some time after, the Prince being at that Time with Captain *Philips's* Battery, and advancing that Battery upon the Right of the Infantry, and he believes, with a design of silencing a Battery of the Enemy's, which flanked the Infantry; H. S. H.

W. said

said; he thought it was even then not too late for the Cavalry to advance: The Deponent asked the Prince, whether he would have him go and fetch the Cavalry; his Answer was, yes; and deliver the Order to Lord *Granby*.—The Deponent found Lord *Granby* on the Enemy's Side (the *Minden* Side) of the little Wood; he was alone, advanced 40 Yards, he thinks, upon the Left of the *British* Cavalry.—He thinks, at that Time the Left of the *British* Cavalry was more forward than the Right. He delivered the Prince's Order to Lord *Granby*, who asked him, why he did not give it to Lord *George Sackville*; he told him, the Prince had sent the Deponent to him. Lord *Granby* kept trotting up: but the Deponent did not stay long with them.—Lord *Granby* made him observe, that the Right was not come up so forward as the Left:

ADJOURNED till Monday Morning next at ten o'Clock.

MONDAY 10th MARCH 1760.

THE COURT being met pursuant to Adjournment,

LIEUTENANT COLONEL FITZROY was farther examined;

Q. DID he see Captain *Wintzingerode* in his Way, when he carried the Order to Lord *George Sackville*.

A. He did: he told the Deponent he had been with Lord *George Sackville*, and that Lord *George* would not at first understand the Prince's Order. The Deponent received from Captain *Wintzingerode*, Directions where to find the Cavalry.

Q. Did he see Mr. *Derenthall* at all in his Way back?

A. He does not recollect having seen him at that Time.

Q. Did Lieutenant Colonel (then Captain) *Ligonier*, or himself come first from the Prince, or did they both come together?

A. He does not know when Lieutenant Colonel *Ligonier* went from the Prince, not having heard the Prince give him his Orders; but he saw him with the Prince, not long before the Deponent received his Orders.

Q. Did Lord *George Sackville* ask at the Time, when Lieutenant Colonel *Ligonier* and he were with him, which came last from the Prince?

B

A. He

A. He does not recollect his Lordship asked that Question; he may have done it, but he does not recollect it. The Deponent heard nothing distinctly, which Lord George Sackville said to Lieutenant Colonel Ligonier; he saw him turn about to Lieutenant Colonel Ligonier; and say something, but did not hear what it was he said.

Q. Does he know of any Alteration in the Position of the Enemy, about the Time when he was dispatched to Lord George Sackville, which might occasion the Prince to order the British Cavalry only to advance?

A. There was a Confusion among the Enemy's Cavalry, which was in the Centre of their Line. The Duke of Richmond having reported this to the Prince, the Prince advanced to reconnoitre them himself. — He said, "*Voici le bon moment pour la Cavalerie.*" — Upon which the Deponent asked H. S. H's Leave to go and bring up the British Cavalry; — his Answer was, — "*Gardez-y.*"

Q. (By Desire of Lord George Sackville,) How long before he left the Prince, did he see Captain Ligonier with him?

A. The Instant before the Duke of Richmond made his Report.

Q. Was there any Report made of the Disorder of the Cavalry, before the Duke of Richmond's?

A. None to his Knowledge.

Q. Did he question both Lieutenant Colonel Ligonier and him together, concerning the Orders each of them brought?

A. He thinks not: Lieutenant Colonel Ligonier was in the Front of the first Line of Cavalry; and Lord George and the Deponent were between the two Lines.

Q. Did they both dispute in Lord George Sackville's Presence, and each of them insist upon being right?

A. He does not remember having disputed with Lieutenant Colonel Ligonier; but thinks it was from Lord George alone he knew that Lieutenant Colonel Ligonier's and the Deponent's Orders had differed: The Deponent did insist upon his Orders being exact; mentioning, that he delivered them Word for Word, as the Prince gave them to him.

Q. When he returned to the Prince, did he mention any Thing to him about Lieutenant Colonel Ligonier's and his Orders differing?

A. He mentioned to the Prince, that Lord George had said "our Orders differed."

Q. What

Q. What was the State of the Action, when he left the Prince?

A. The *British* Infantry was advancing briskly; the *Hanoverian* guards were following them: The remaining Part of the Line was forming: General *Wangenheim's* Corps, which he considered as a separate Part of the Army, being the Left, was formed and sustaining the Battery at *Tonhausen*.

Q. Does he know how long the Firing of small Arms lasted upon the Right?

A. He does not.

Q. What Hour of the Day was it, when he brought Lord George the Orders?

A. He had no Watch himself, nor did he ever ask the Hour of the Day.

Q. Did he see Captain *Smith* sent back by Lord George *Sackville* towards the Cavalry, as soon as they had passed the Wood?

A. He did.

Q. Does he know what Orders he carried?

A. No, he did not.

Q. What Pace did they go towards the Prince?

A. Half Gallop; whilst Lord George was talking to Captain *Smith*, the Deponent pushed on to the Prince full Gallop, and arrived time enough to make his Report, before Lord George came up.

Q. What Distance was there between the second Line of Infantry, and the *British* Infantry which were engaged?

A. He does not know, that Distance varying almost every instant; he observed, there was a Part of the second Line equally advanced with the first; but neither of them engaged when he came away.

Q. What Distance was there between the remaining Part of the Line, which was forming, and that which was advanced?

A. Some Distance, not very great.

Q. Had he ever reconnoitred the Wood on the Left, thro' which the Cavalry was to pass?

A. He did not stop his horse to reconnoitre it; but he looked at it, as he came through.

Q. Had he ever been there before?

A. He came through it once, in the Morning.

Q. How wide does he take it to be?

A. In the narrowest Part, he believes 50 or 60 Yards.

Q. Is the Wood equally thick?

A. He

A. He believes, some Parts, are wider than others.

Q. Is it equally open?

A. Where he went through it, it was pretty open.

Q. (By the Court) When he made his Report to the Prince, of his having carried these Orders, what did the Prince say to him?

A. Upon his appealing to the Prince, to know, whether he had delivered his Orders exactly, H. S. H. told him, he had. — Upon his mentioning, that Lord George Sackville did not understand those Orders, but was coming to have them explained, as they had differed from those which Lieutenant Colonel Ligonier had brought, H. S. H. expressed his Surprise strongly, not in Words, but by Action.

Q. Did Lord George Sackville obey either the Orders brought by him, or by Lieutenant Colonel Ligonier?

A. They were not obey'd, when he came away with Lord George Sackville.

Q. Does he know any Thing, which could have prevented the Execution of the Orders, which he brought Lord George Sackville?

A. He does not.

Q. Did the Prince assign any Reason for sending him afterwards to Lord Granby, and not to Lord George Sackville?

A. Upon his giving the Deponent the Order, in order to be more exact, he asked H. S. H. to whom he would have him address himself; — his Answer was, — "To Lord Granby, as I know he will obey me."

Q. Did he ever see the British Cavalry of the right Wing, at any Time of the Day of Battle, near enough to have engaged the Enemy?

A. He never did see them near enough.

Q. Did he ever see them near enough to have pursued the Enemy with any Prospect of Success?

A. The Deponent was upon the Left of the Army, when the Enemy gave way: therefore could not tell what then passed on the Right.

Q. Whether the British Infantry was not attacked both by the Enemy's Infantry and Cavalry? and whether the British Infantry did receive any Assistance from the British Cavalry?

A. The British Infantry were attacked by the Enemy's Cavalry, and afterwards by their Infantry. The British Infantry did not receive any Assistance from the British Cavalry.

Q. Was there any Cavalry in the Rear of our Infantry to have supported them?

A. There

A. There was not.

Q. Whether, in his Opinion, if the Infantry had been broke, unsupported by any Cavalry, they must not have suffered greatly, if pursued by the Enemy?

A. He imagines so, as there were no Troops to protect them, whilst they might have rallied.

Q. Did he of himself observe the Right of the Cavalry was not so forward as the Left?

A. He did observe it in coming up to Lord Granby; but not so strongly as when called upon by Lord Granby to observe it.

Q. Was Lord George Sackville then at the Head of the Cavalry?

A. He did not see Lord George, but imagines, that he was at the Head of the Right of the Cavalry.

Q. Does he not recollect the Time between his Delivery of the Prince's Orders to Lord George Sackville and the Time of Captain Smith's being sent back to the Cavalry?

A. He believes, a Quarter of an Hour, from the Time of his first delivering the Order to Lord George Sackville.

Q. What was the Distance of Time from his first delivering the Order to Lord George Sackville to his Return to the Prince?

A. From the last Period he has just now mentioned, he had about 400 Yards to go to the Prince.

Q. How far had Captain Smith to go back, to the nearest Part of the Cavalry?

A. He imagines about 100, or 150 Yards; this is only Opinion, he can't be positive.

Q. How near was the Prince, when he returned to him, to the Ground, upon which the Cavalry was to have been drawn up to have supported the Infantry?

A. He thinks, he was upon Part of the Ground from whence the Cavalry might have marched in Line to support the Infantry, as he was then upon the Spot, where the Right of the Infantry was first formed.

Q. How near was the Prince to the Ground, upon which the Cavalry was to have been drawn up?

A. He was upon the Ground to which he imagined the Cavalry would have been brought, in consequence of the Order he carried: But when Lord George Sackville came up, the Prince was gone still further towards the Right, just at the Angle of the little Fir-Wood.

Q. What was the Situation of that Part of the Army, which the

the Cavalry was to have supported, when he returned to the Prince?

A. He believes the *French Cavalry* were coming down to charge them, or had actually begun the Charge, but can't certainly say which.

Q. How long did the Battle last after that, before the Enemy began to retreat?

A. He did not look at a Watch; but he thinks it was an Hour and Half before he saw them retreat.

Q. Does he think, if Lord *George Sackville* had immediately obeyed the Order he carried him for coming up with the *British Cavalry* only, they could have come up in Time to have supported the Infantry, or to have engaged the Enemy?

A. He thinks they could; — they might have come up Time enough either to pursue the Enemy's Cavalry, as they were going off, or to attack the Foot.

Q. Did the *British Cavalry* assist in the Pursuit of the Enemy?

A. No.

Q. Did the *British Cavalry* ever charge any Part of the Enemy?

A. No.

Q. At the Time the Deponent left the *British Infantry*, what was the Distance between the Right of the *British Infantry*, then marching to attack the Enemy, and the Wood, which was on their Right?

A. When the *British Infantry* formed, there was a Fir-wood upon their Right, in Front of *Napier's Regiment*, thro' which some Platoons of that Regiment, and of that which covered it in the second Line, marched. From that Time, they kept inclining greatly to the Left, which occasioned that Distance to vary every Step they marched; but from their first forming, he imagines it to be equal to the Front of four or five Battalions.

LIEUTENANT COLONEL ROBERT SLOPER of Lieutenant General *Bland's* Regiment of Dragoon Guards, being sworn, was asked, whether, or not, he commanded this Regiment on the Day of the Battle of *Minden*, and what was its Position?

Answered, that he did command that Corps, which was upon the Right of the right Wing of Cavalry.

Being desired to relate the Whole of what passed within his Observation, from the first Motions of the Cavalry that Morning, so far as appears to him pertinent to this Trial, he deposed, —

posed,—promising, that, through the whole of his Evidence, he desired to be understood, as guessing at Times, and not speaking from a Watch,—That on the 1st of *August* last, early in the Morning, about four o’Clock, as he believes, Captain *Pentz* called upon him at his Tent, and told him, that it was Duke *Ferdinand’s* Orders, that the Regiment should strike their Tents, and mount as soon as possible, adding, that it was for Action. The Deponent immediately went round the Regiment himself, and ordered H. S. H.’s Orders to be put in Execution, as soon as possible. The Horses were then saddled, the Men booted, and laying down in their Tents: This had been done at One o’Clock in the Morning, agreeable to the Orders received the Evening before. When the Regiment had been mounted much about Half an Hour, Lord *George Sackville* came to the Head of it, and ordered it to march. They marched to the Ground the Cavalry formed upon. On that Spot, he heard Captain *Malortie*, Aid-de-camp to the Duke, give Lord *George Sackville* Orders to form the Line.—Just after the Line was formed, Captain *Wintzingerode*, Aid-de-camp to H. S. H. came up to Lord *George Sackville*, and told him in *French*, that it was the Duke’s Orders, he should advance to the Left with the right Wing of Cavalry, and form it in a Line behind the Infantry.—He repeated those Orders in the same Language.—He then said in *English*, that his Lordship was to form the Cavalry in a Line behind the Infantry.—Lord *George Sackville* said, “*Mais comment? Mais comment?*” Captain *Wintzingerode* said, moving his Hand, — ‘You must pass through those Trees, you will then arrive upon the Heath,—you will then see our Infantry and the Enemy.’—*Wintzingerode* left Lord *George Sackville*.—The Deponent heard his Lordship say, ‘I do not comprehend how the Movement is to be made.’—Being so near to his Lordship, the Deponent answered, ‘It seemed very clear to him, it was to be made by the Left of the right Wing of Cavalry.’ His Lordship said, he would make it.—For a Quarter of an Hour after that he did not see his Lordship.—His Lordship then returning to the Squadron, which he was at the Head of, said, ‘Sir, — Colonel, — put your Regiment in Motion.’ The Deponent said, ‘My Lord, to the Left?’ His Lordship answered, ‘No, straight forward.’ The Regiment moved a very few Paces. Captain *Ligonier* arrived; he said to Lord *George Sackville*, that it was the Duke’s Orders, that he immediately advance with the Cavalry under his Command; and that the Movement was to the Left. The Deponent then spoke to Captain *Ligonier*. — (The

—(The Witness here asked the Direction of the Court, whether he was to relate what was said; and, being directed to relate what he himself said, proceeded.)—He said to Captain *Ligonier*, ‘For God’s Sake, Sir, repeat your Orders to that Man (meaning Lord *George Sackville*) that he may not pretend not to understand them, for it is near Half an Hour ago, that he has received Orders to advance, and yet we are still here;’ addings;—(his Oath obliges him to repeat all he said)—‘but you see the Condition he is in.’ Turning from Captain *Ligonier* towards Lord *George Sackville*, he saw Lieutenant Colonel *Fitzroy* with him;—his Orders he did not hear. But Lord *George* said to Captain *Ligonier*; ‘Captain *Ligonier*, your Orders are contradictory.’ He answered, ‘In Numbers, my Lord; but their Destination is the same.’ Lieutenant Colonel *Fitzroy* and Lord *George Sackville* quitted the Front of the Squadron the Deponent was at the Head of.—In about twenty Minutes after that the Cavalry moved to the Left.

Q. Does he know at what Time Lord *George Sackville* had Notice of the Orders for Mounting?

A. He does not know.—But immediately after Captain *Pentz* had communicated to him these Orders,—the Space of Time could not be five Minutes,—an orderly Man, from the Duke’s Quarters (the Man was of the Blues) came to the Deponent, and told him he had a Letter directed to the *English* Adjutant General, whom he was ordered to find at *Bland’s* Standards. The Adjutant General was not there, and the Man set out to carry the Letter to the *English* Head Quarters; but he does not know what the Letter contained, or whether it got there.

Q. Whether he knows what his Lordship was employed in when he left the Regiment for a Quarter of an Hour?

A. He does not know, but he concluded him gone to the Left to put the Cavalry in Motion.

Q. What was the Distance of Time between Captain *Ligonier*’s Arrival and Lord *George Sackville*’s going away with Lieutenant Colonel *Fitzroy*?

A. A Quarter of an Hour, as he judges.

Q. What did he observe in Lord *George Sackville*, or what did he allude to,—when he said to Captain *Ligonier*, ‘But you see the Condition he is in’?

A. He is very ready to answer the Question; but the Court will please to observe, the Answer must be Matter of Opinion. Being desired to give an Answer to the Question,

A. His Opinion is, that Lord *George Sackville* was alarmed

to a great Degree. — When his Lordship ordered him to advance, he seemed in the utmost Confusion. — The original Orders were to the Left; Captain *Ligonier's* Orders were to the Left; the Cavalry afterwards did move to the Left, — and the Orders his Lordship had given him were to 'move the Regiment straight forward.' — The Deponent, being asked, farther informed the Court, that when they moved, the Cavalry moved thro' the Grove, the Trees mentioned by Captain *Wintzingerode*.

Q. How far does he imagine that to have been, from where the Cavalry were?

A. The Left of the right Wing of Cavalry stood close to the Grove: From the right Squadron of *Blanc's* Regiment to the Heath on the other Side of the Grove, he judges to be a Mile.

Q. What Sort of a Grove, and what Ground was it to the Heath?

A. The Ground to the Wood, he thinks, were Corn Fields, Arable Land; the Grove was open; a Squadron might go thro' it in Front, and at any Pace a General Officer would choose to lead.

Q. Did there appear to him any Difficulties, or Obstructions, which might have impeded their marching sooner?

A. None.

Q. Did they march upon the Heath?

A. They did, and formed upon the Heath: A considerable Time afterwards they advanced forward; he cannot speak as to the Distance; he saw their Infantry advancing a great Way before them; he could distinguish the glittering of the Arms, and he thinks he could see their Hats.

Q. Could he distinguish at that Distance whether they were engaged or not?

A. He can't say; he judged they were following the Enemy.

Q. Whether, from the Distance at which the Infantry then appeared to be, he could judge, whether, if Lord *George Sackville* had caused the first Orders brought by Captain *Wintzingerode* to be immediately put in Execution, the Cavalry could have come up in Time to have supported the Infantry, or to have engaged the Enemy?

A. From the great Space of Time there was between Captain *Wintzingerode's* Orders, and the Movement of the Cavalry; from the very slow Movements of the Cavalry after they were in Motion, and from the Ground he saw they had to go

over to arrive in the Rear of the Infantry, he is certain they must have been in Time.

Q. From the Time of Lieutenant Colonel *Fitzroy's* Arrival, does he think, if either of the Orders brought by Captain *Ligonier*, or Lieutenant Colonel *Fitzroy*, had been immediately carried into Execution, the Cavalry would in that case have been in Time to have supported the Infantry, or to have engaged the Enemy?

A. He thinks they would, had the Cavalry moved as quick as Cavalry may do, when the Occasion for it presses.

Q. (By Desire of Lord *George Sackville*) Who was present, when the Order he mentions, as brought by Captain *Wintzingerode*, was delivered?

A. He does not know who was present; he was attentive to the Orders, and anxious for the Execution.

Being desired to repeat the original Order,
Answered, it was to this effect:—‘It was the Duke’s Orders, that he should advance towards the Left with the Right Wing of Cavalry, and form it in a Line behind the Infantry.’

Q. Did Captain *Wintzingerode* explain that Order to Captain *Hugo*, Lord *George Sackville’s* Aide-de-camp?

A. He thinks he remembers Captain *Hugo* being present; he is not certain, but rather believes Captain *Wintzingerode* spoke to him; he knows not what he said.

Q. Is he sure that Lord *George Sackville* gave no Orders immediately in consequence of Captain *Wintzingerode* having been with him?

A. He is sure they did not move; and he is certain that he never did hear of any Orders which his Lordship gave in consequence of those received by Captain *Wintzingerode*.

Q. What was the Distance of Time between Captain *Wintzingerode* and *Ligonier’s* coming?

A. From the going of Captain *Wintzingerode* to the coming of Captain *Ligonier* was a Quarter of an Hour.

Q. Does he recollect who were with him when Lord *George Sackville* held any Conversation with him that Day?

A. When he said, that the Movement to the Left must be made by the Left of the Right Wing, it is probable, the same People were by who were present when Captain *Wintzingerode* gave the Order; he declares, that he does not during the Course of the Day remember who was, and who were not present. If he had known it was necessary, as he had but little Employment, he would have particularly noticed it.

Q. When

Q. When did he first after the Battle mention his Lordship's having disobeyed Captain *Wintzingerode's* Order, and to whom?

A. He mentioned the Orders *Wintzingerode* had given his Lordship, to many People; to so many, that he really does not recollect whom he began with, nor exactly to whom: But he is very certain, that every one he mentioned it to, he did it in Words to the same Purpose; and it had so very strongly struck him, that he is morally sure, he used the same Words he has done to the Court.

Being desired to describe the Ground on which the Cavalry was drawn up, when the Orders came by Captain *Wintzingerode*, and what was upon the Right, the Left, and their Front:

Answered, Upon the Right Enclosures, and the Village of *Hartum* at some Distance:—Upon their Left the Grove before mentioned, and in their Front a Windmill, by which was a Battery of ours. Some of the Enclosures were forwarder in the Plain, so as to reach to about the Centre of the Right Squadron of *Bland's*.

ADJOURNED till To-morrow Morning at Ten o'Clock.

TUESDAY, MARCH 11th, 1760.

THE COURT being met pursuant to Adjournment,

LIEUTENANT COLONEL SLOPER was farther examined.

Q. WERE all the Cavalry saddled at One o'Clock in the Morning?

A. He believes they were: The next Regiment to Lieutenant General *Bland's* were.—He did not see them saddled at One, but between three and four o'Clock, he saw them saddled, and the Men laying down booted; and the Order being for *One*, concluded they were saddled at that Time.

Q. Was he near enough to any of the other Columns, to see whether they were in march, before Lord *George Sackville* came to the Head of the Column of Cavalry?

A. He did not see when they marched: He was busy with the Regiment, and he did not take Notice of any of the other Columns.

Q. Does he think that any Time was lost, in the marching of the Column of Cavalry, by Lord George Sackville not coming to it sooner ; which he probably would have done, if he had been properly informed from the Camp of the Four o'Clock Orders ?

A. Half an Hour was lost ; he speaks of Time, not from a Watch, but from what appeared to him, as he did Yesterday.

Q. Did he observe the Columns of Foot moving from their Encampment ?

A. No.

Q. In what Manner did the Cavalry march from the Head of their Encampment, to the Ground where they first formed ?

A. From the Head of the Encampment, from the Right by Quarter Ranks : After passing through a Lane, the Country opening, they formed in Squadrons, marched in Squadrons, till they arrived on the Ground, where they were ordered to form the Line. The Line was formed to the Front ; the first Squadron stood fast, and the others doubled up to its Left.

Q. Was the march regular, and the proper Intervals preserved ?

A. The march was exceeding slow : The Witness was at the Head of the Column, and knows not what Intervals were preserved behind him.

Being desired to explain, what is meant by slow ?

Answered, The Horses did not walk out, as he recollects, not above half-step out.

Q. When a Line of Cavalry is marching by Quarter Ranks, they double up to Half-Ranks, and afterwards form in Squadrons, where the Ground will admit of so doing, does it not hasten the march ?

A. Certainly ; where they are not obliged to reduce their Order again soon into a lesser Front ; then, he thinks, it retards the march.

Q. Where he has said in Answer to a former Question, that he thinks the Cavalry could have come up in Time after Lieutenant Colonel Fitzroy's Arrival, had the Cavalry moved, as quick as Cavalry may do, when the Occasion for it presses ; does he mean, that the Cavalry must have gone a little Trot, a full Trot, or a Gallop ?

A. He thinks a Trot, and not a very fast Trot : But, had the Front gone fast enough to have obliged the Regiment, which he commanded, to have galloped, he thinks, it would have

have been fit for Business, and have beat any three *French* Squadrons it could have met with.

Q. How far was the Ground where the Cavalry first formed, from the Encampment?

A. As he judges, about two Miles and Half, or three Miles.

Q. When did Lord *George Sackville* come up to the Head of the Cavalry?

A. At the Encampment.

Q. How far does he judge the Ground they formed upon to have been from the Rear of the Infantry?

A. A full Mile.

Q. How near were the Cavalry to the Infantry, when the Cavalry had finished their March?

A. The Distance he can't certainly speak of; about one hundred Yards; the Affair was then over, and the Cavalry was dismounted.

Q. Were the Orders brought to Lord *George Sackville* from Prince *Ferdinand* by Captain *Wintzingerode*, Lieutenant Colonels *Ligonier* and *Fitzroy*, ever put in Execution?

A. Lieutenant Colonel *Fitzroy's* Orders, he has said, he could not hear: Captain *Wintzingerode's* and *Ligonier's* Orders were a Quarter of an Hour apart; he has said, that Captain *Ligonier* was a Quarter of an Hour with Lord *George Sackville*, and that the Cavalry did not move, till twenty Minutes after Lord *George Sackville* left the Right Wing of the Cavalry with Lieutenant Colonel *Fitzroy*; so that in above three Quarters of an Hour from the first Order, the Cavalry moved to the left, which is all he knows of Obedience, or tending to Obedience, of any Orders, he heard delivered.

Q. Was the Cavalry ever formed in a third Line behind the Infantry after the Orders received for so doing from Prince *Ferdinand*?

A. In a third Line, he cannot say: The Cavalry were formed behind the Infantry at the great Distance he has before mentioned, and this must be an Hour and a Quarter after Captain *Wintzingerode's* Orders.

Q. Does he know, whether at that Time the Battle was over, or not?

A. The Enemy were beat, and he has previously said, that when he saw the Infantry, he thought they were following the Enemy.

Q. Were

Q. Were the *British* Cavalry ever near enough to have engaged the Enemy, or to have pursued with any Prospect of Success?

A. The *British* Cavalry were never brought near enough to see the Enemy; he is certain, they might have been brought near enough to have engaged them: He has said so, in his Answers about Obedience to Captain *Wintzingerode's* Orders.

Q. When they marched through the Wood upon the Left, could they have marched more than a Squadron abreast?

A. He saw nothing to prevent going through with any Front, that might have been chosen.

Q. When he was got through the Wood, did he find the second Line of Cavalry upon the Heath?

A. He did; it was considerably before them, who had been the first Line: It was formed, fronting the Enemy, and moving on.

Q. How long had the second Line of Cavalry been through the Wood before them?

A. He does not know.

Q. What stopped the second Line from continuing to march forward towards the Enemy?

A. There was no Impediment of Ground, or any Thing of that Nature; but why they stopped he cannot say.

Q. Did the first Line, which was now become the second, follow the other in advancing towards the Enemy?

A. When the other halted, it formed in a Line with it, upon the Right of it, and then they became one Line.

Q. When they were formed in one Line, did the Line march on?

A. It moved on slowly.

Q. Does he think slower, or about the same Pace, that the second Line was marching before?

A. As the Movements of the second Line had appeared to him, much slower.

Q. After they were formed in a Line, how far did they march?

A. They marched but a little Distance, and did not get near the Infantry, till just before they were dismounted.

Q. Whether it was from the Distance, at which our Infantry was from the Cavalry, after they were drawn up on the Heath and moving forward, or from the Unevenness of the Ground, that he could only discern the Hats of our Infantry and the glittering of the Arms?

A. The

A. The Ground was exceeding good, and even; it must be from the Distance.

Q. How far does he judge, he could see with his Eye, so as to distinguish such a Body of Infantry?

A. He don't know, how far he can see Infantry upon a Plain; but he could see them, as far upon that Plain, as upon any Plain he ever saw.—In Explanation of this, Lieutenant Colonel *Sloper* informed the Court, that by a Plain he means (not a Place exactly level in every respect, but) what would be called, an even Ground for Troops in Action.

Mr. DERENTHALL, *Prussian* Aid de Camp to H. S. H. Prince *Ferdinand*, being duly sworn (and Mr. *Philip Lamarsh* being sworn faithfully to interpret his Evidence) was examined:

Whether he received any Order from Prince *Ferdinand*, to carry to Lord *George Sackville* on the Day of the Battle of *Minden*, for the coming up of the Cavalry?

A. He did about the latter End of the Action.

Q. What Order did he carry, and did he deliver it?

A. It was on his coming back from the Foot (from the Regiment of *Brudenell*) having been during the whole Action at the Attack of the Infantry, he returned to Duke *Ferdinand*, to tell him the Success which our Arms had then had, expecting that Victory had already declared for us. He was not present at all the other Orders given; consequently he had no Connection with them. The Duke turned himself to look towards the Cavalry, and not being able to distinguish what they were doing, he told them he did not know what Lord *George Sackville* was doing;—‘En-
deavour to hasten him here.’—Such were the Duke’s Expressions. Upon which the Witness ran up immediately to find Lord *George Sackville*.—He remembers, he asked some Officers, which passed by him, where Lord *George Sackville* was; he saw Lieutenant Colonel *Fitzroy* pass at some Distance; but, as he had so many Things then in his Head, he cannot tell exactly, who they were, or what he said to them. He saw Lord *George Sackville* coming up to them, and thinking, that the Duke would explain to him better, than he could, his Ideas, he went back again immediately, to desire the Duke to stop, as Lord *George Sackville* was coming to him;—fearing that the Duke, being obliged to be every where, would go too far for his Lordship to find him. The Duke seeing him return, without waiting for his Answer, said to him:—‘How, will he not come? I do not under-
stand

stand this. — The Witness answered, ' Lord George Sackville is coming himself to your Highness; for I have seen him.' The Deponent did not stay, till Lord George Sackville came up to the Duke, because he was sent immediately to carry another Order to Lieutenant General Imhoff, who was on the Left. The Duke came thither soon after him, and the Affair was over.

Being desired to explain the Expression of ' not being able to distinguish what they were doing.'

Answered; the Cavalry was in Sight upon the Plain, but too far off to distinguish what their Motions were.

LIEUTENANT COLONEL WILLIAM AUGUSTUS PITT, of Lieutenant General Sir John Mordaunt's Regiment of Dragoons, being sworn, was examined;

Q. Where was he posted, when the Troops were first formed after marching from their Encampment, where was he on the Day of the Battle of Minden?

A. In the center Regiment of the Right Brigade of the second Line.

Q. At what Time did the Cavalry strike their Tents, and mount?

A. He did not look upon his Watch; but believes, it was about Half an Hour after Four.

Q. By what Order?

A. By an Order brought by Mr. Pentz, an Aide-de-Camp to Prince Ferdinand.

Q. Does he know of that Order being communicated to Lord George Sackville?

A. No.

Q. Did his Situation admit of his knowing of any Orders delivered to Lord George Sackville?

A. No.

Q. How long did the Cavalry remain, where they were first formed in two Lines, before they marched?

A. Near three Quarters of an Hour, it may be more, or less, he did not look at a Watch; so he can't be particular.

Q. Does he know of any Impediment, or Obstruction, to have prevented the Cavalry from marching sooner, supposing Orders to have been received for that Purpose?

A. No, he knows of none.

Q. What was the Movement, when they marched?

A. To the Left by Squadrons.

2. Being

Q. Being desired to describe the March, and the Grounds over which they marched?

A. About two hundred Yards upon their Left they had a Wood, or open Grove, to pass:—He speaks of the whole second Line of Cavalry.—The Wood he believes might be a Quarter of a Mile wide in the Part they marched through. They marched through in Squadrons on the other side of the Wood: they came into large open Corn Fields, which might last about two hundred Yards, at most, he believes; and then came out upon the Heath.—About a Quarter of a Mile after they passed the Wood, they had Orders to halt and draw up? And remained in that Position about ten Minutes; and then they had an Order from Lord Granby for his Brigade to follow him; upon which they wheeled to the Left by Squadrons, and trotted on about three hundred Yards.—At this Time the Deponent received an Order from an Aide-de-Camp of Lord George Sackville's, he believes, it was Captain Lloyd, but he is not sure, to halt, as the Left went so fast, the Right could not keep up with them.—He told the Aide-de-Camp, he had received the Orders from Lord Granby, and, if they were to halt, he must go to the Front to him. The Aide-de-camp proceeded on to the Front; in consequence of which they were halted. They remained, he believes, about a Quarter of an Hour halted; during which Time the Line was formed.—The Right he could not quite see, but believes, except the Regiment to the Right, which was hindered by a Wood, the whole was formed in a Line. After that the Cavalry proceeded very slow over the Field of Battle, which the Infantry had been engaged on; he believes above a Quarter of a Mile; near half a Mile. They then wheeled to the Right by Squadrons, and took the last Position which the Cavalry had that Day, with their Right to the Morass.—From the Place, where they wheeled, to the Place where they took that Position, he believes, may be about three Quarters of a Mile.

Q. Could they distinguish the Infantry when they came upon the Plain?

A. Very plain; he believes half a Mile at most from them.

Q. Could he distinguish, whether they were then engaged with the Enemy?

A. They could only see the second Line of Infantry, which intercepted the Sight of the first; and he could not distinguish whether any Platoons were fired; the Infantry were in Motion advancing forward; he saw some Cannon fired about that Time.

Q. Could he judge of the Distance from the Place, where the Cavalry were formed on the Camp-side of the Wood, to the Place where they were drawn up on the Heath the first Time?

A. He thinks about half a Mile.

Q. What does he take to have been the Distance from the last mentioned Spot to the Place where they must have been drawn up in the Rear of the Infantry in order to support them?

A. From that Spot to the Place where he supposes the Infantry to have been originally engaged, he believes, must have been three Quarters of a Mile.

Q. Had he any Reason to think, that any Orders delivered that Day to Lord *George Sackville* were not carried into Execution so expeditiously as they might have been?

A. Their Movements were extremely slow the whole Day; but, as he was not present with Lord *George Sackville* at the Time he received any Orders from Prince *Ferdinand*, he can't possibly be a Judge, how far any Orders might have been executed sooner from the Time of Lord *George Sackville's* receiving them.

Q. From the Time, when the Cavalry did march, supposing the Orders to have then been for advancing to sustain the Infantry, or engage the Enemy, does he think the Cavalry might have marched quicker than they did, and yet have been in a proper Condition for Service?

A. Certainly much quicker.

Q. Was he at any Time, upon the March, so near to Lord *George Sackville*, as to have an Opportunity of conversing with him?

A. Lord *George Sackville* once came between the Wood and the Field of Battle, where the Infantry had been engaged near the Front of the Regiment which the Witness commanded, upon which he went up to his Lordship to wish him Joy of the Day going so much in our Favour.

Q. From the Conversation he had with his Lordship, or from any other Circumstances which appeared, did he observe any Thing, by which he at that Time formed to himself a Judgment of his Lordship's having or not having advanced with the Cavalry as expeditiously as he might have done?

The Witness observing, that the Answer must be Matter of Opinion only, a farther Answer was not insisted upon.

Q. (By Desire of Lord *George Sackville*.) At what Time were the Horses saddled, in the Morning, of the Regiment which he commanded?

A. At

A. At one o'Clock.

Q. How long, after they had formed and mounted, did they march from the Encampment?

A. A Quarter of an Hour.

Q. When they first came out upon the Heath, did he imagine the Engagement over?

A. No.

Q. Does he know any thing of any other Part of the Wood than that through which he passed?

A. No.

Q. Did he see, when the first Line of Cavalry passed through the Wood?

A. The second Line was so far advanced, they could not see where the first passed through.

Q. Does he remember any Difficulties in going over the Field of Battle from the killed and wounded?

A. From endeavouring to avoid treading over the wounded Men, they found some little Difficulties; but none over the killed.

Q. (By the Court.) Did he see any of the Columns of Infantry in March, before the Column of Cavalry, commanded by Lord *George Sackville*, began their March from the Camp?

A. There were several high Hedges between the second Line of Cavalry and the Infantry, which prevented their seeing.

Q. Did the Cavalry of the first Line join that of the second Line, when they first formed upon the Heath, before they began their March again?

A. He saw Part of them coming up, when they began their March again; the *Hanoverian Grey Guards*, he remembers, he saw coming up.

Q. How far did the second Line of Infantry appear to him to be from the first Position Lord *Granby's* Brigade took after passing the Wood.

A. He could not see the Line of Infantry from the first Position, for the Fir-wood, which intervened.

Q. From the first Position Lord *Granby* took, after he had passed the Wood, would not the Ground admit of their marching in Line?

A. There was a Wood about three hundred Yards in Front, which would have prevented; and, likewise, they moved to the Left by Squadrons, as he apprehends, in order to make room for the first Line to form.

Q. When the two Lines of Cavalry were formed into one, and moved forward, who led them?

A. He saw no General Officers, but Lord Granby, who was at the Front at the Head of what had been the second Line, and General Elliot, who commanded the Brigade the Withels was in.

Q. Might not Lord George Sackville have been on the Right, and he not have seen him?

A. Certainly: — Bland's Regiment, which was on the Right, had never come quite up, as there was not room for them, till they had passed the Fir-wood.

Q. Did he look upon the Head of Bland's Regiment to have been Lord George Sackville's Post?

A. He had seen him no where but at the Head of Bland's Regiment, and that was the Place where they understood they were to send to him when there was any Order.

Q. Was he present when any Orders were brought to Lord Granby by any of Prince Ferdinand's Aides-de-camp?

A. He was not.

Q. Can he inform the Court how it happened that the second Line marched thro' the Wood, and formed before the first Line?

A. It was by Lord Granby's Orders, who commanded the second Line, that the second Line marched.

Q. Did the Cavalry ever form in a third Line behind the Infantry near enough, or in order to support them?

A. No; not the whole Day.

Q. Was the Cavalry, at any Time that Day, near enough to have engaged the Enemy, or to have pursued them with any Prospect of Success?

A. They were never near enough the Enemy to see them that Day, till they were making their Retreat thro' Minden.

Q. At any Time (not particularly that Day) when Lord George Sackville marched at the Head of the Line of Cavalry, did he not march them slow, in order to prevent Confusion?

A. His Lordship always marched very slow.

THE MOST HONOURABLE JOHN MANNERS, Esq; commonly called MARQUIS OF GRANBY, Lieutenant General, and now Commander in Chief of his Majesty's Forces serving in Germany, being sworn, was examined,

How long had the Cavalry of the Right Wing been formed, when they first marched from the first Position they took after leaving the Camp?

A. From

A. From the Time they were drawn up in two Lines, to the Time his Lordship gave Orders to the second Line to march, he should suppose was about twenty or twenty-five Minutes; he can't speak exactly.

Q. Did his Situation admit of knowing any Orders delivered to Lord George Sackville?

A. Not of his hearing any Orders himself; but he saw Captain *Wintzingerode*, who came up with the second Line, going, as he informed him, with Orders to Lord George Sackville.

Q. Does he know of any Impediment to have prevented the Cavalry's marching sooner, supposing Orders to have been given for that Purpose?

A. He saw no Impediment, when, in consequence of Captain *Wintzingerode*'s coming to the second Line a second Time, he marched with the second Line of Cavalry to the Left.

Q. What did Captain *Wintzingerode* say to his Lordship upon that Occasion?

A. Captain *Wintzingerode* came up to him, and said, 'For God's Sake, how come the Cavalry not to have marched?' for that he had carried the Orders to Lord George Sackville to march with all the Cavalry of the right Wing to the Left, in order to form one Line to support the Foot; and added, 'I find they have not yet moved,' or, 'find them in the same Place,'—Words to that Effect. His Lordship answered, that in consequence of the Information he had received from him, when he told his Lordship he was going to Lord George Sackville with those Orders, he had (as he had then told him he would do) put the second Line of the Cavalry in motion; but that he had received no Orders from Lord George Sackville. — That General *Elliot* had been sent for by Lord George, and came back and informed him, (Lord Granby,) that Lord George Sackville would immediately, or soon, (he cannot be sure which) send him Orders; and in the mean Time, that he should remain there: And that General *Elliot* went in consequence, and halted the second Line.

Q. How soon after did his Lordship march with the second Line?

A. Immediately, upon *Wintzingerode*'s saying, that it was absolutely necessary that the Cavalry should march to form a Line to support the Foot, his Lordship marched to the Left through the Wood, and desired Captain *Wintzingerode* to inform Lord George Sackville, that he had marched in consequence of his (*Wintzingerode*'s) Information.

Q. Did

Q. Did his Lordship receive any Orders from Prince Ferdinand that Day?

A. Lieutenant Colonel Fitzroy came up to him, just as the Cavalry of the second Line, of which he was at the Head, had got to the Place where the Action had first begun, with Orders for the Cavalry to advance up as fast as possible, which he did not understand to be confined to the second Line. His Lordship told him, that Lord George Sackville was there, and that they were marching to the Left by his Order, and desired, that he would go up to him, and give him the Order: he answered his Lordship, that he had carried Orders to Lord George Sackville, which his Lordship did not obey, and that his Orders now were, to bring these Orders to him.

Q. What Time, he judges, intervened between his seeing Captain Wintzingerode the first and the second Time?

A. He should think about twenty Minutes.

Q. Whether the Cavalry of the second Line under his Lordship's Command, was at any Time, after their marching thro' the Wood, halted? and at what Time?

A. As they were marching up near the Fir-tree Grove, whereabouts his Lordship was informed the Action had begun, there came an Order to halt, till the first Line joined them. Lord George Sackville soon after came up to the second Brigade, where the Deponent was. He immediately rode up to Lord George Sackville, and acquainted him with his Reasons for having marched, without having received any particular Order from him; and that he was marching on, when he received his Orders to halt with the second Line. Lord George said, he only did it in order to bring up the first Line, to form the Line of the whole. Presently after the first Line came up to them, and they marched on again. When they came up to the Fir-tree Grove, there was an Order to march to the Left, in order to make Room for two Regiments, which were in the first Line, which, it was said, had not Room to come up and form with the rest of the Line.—After Lieutenant Colonel Fitzroy had delivered him (Lord Granby) his Orders, his Lordship went up to Lord George Sackville, and acquainted him, that the Duke's Orders were to march up directly; Lord George Sackville said, he was only forming the troops into a Line. The Deponent said as the Orders were to advance, he would give Orders for the second Line to march on: which he immediately did, by ordering General Elliot to follow him with his Brigade, and himself galloped up about fifty or sixty Yards in their Front.—After they had gone about three or four hundred Yards, (he can't
speak

speaking precisely) he found the Cavalry halted; he sent immediately the Major of Brigade (*Callis*) with Orders for them to advance, as fast as possible, and to know, how they came to halt without his Orders: who came up and informed him, that they were halted from the Right by Lord *George Sackville's* Orders: The Deponent gave them immediate Orders to advance and not to halt, unless by his own Orders, or by General *Elliot*, in consequence of Orders from him.

ADJOURNED till To-morrow Morning
at Ten o'Clock.

WEDNESDAY 12th MARCH 1766.

The COURT being met pursuant to ADJOURNMENT.

The MARQUIS of GRANBY was further examined,

Q. Whether the Cavalry under his Lordship's Command made any other Halt?

A. There was a little Halt afterwards made, when the Infantry was in their Front, but at a good Distance: he thinks, the Cavalry were then all in a Line.

Q. By whose Orders was that Halt?

A. It was an Order from the Right; he thinks, it was a Pass-parole to halt: He is not certain, whether Lieutenant Colonel *Hotham* did not come up at that Time with Orders.

Q. Was any Halt made by the Cavalry of the second Line after coming out of the Wood?

A. There might be a little Halt, till all the Regiments came out of the Wood.

Q. Did any Person conduct his Lordship and the Cavalry of the second Line through the Wood?

A. Captain *Wintzingerode* shewed the *Hanoverian* (*Veld-theim's*) Regiment which was upon the Left, thro' the Wood; the Deponent led the *Greys* thro' himself.

Q. Did he mention to Lord *George Sackville*, that the Duke's Orders were sent to him?

A. He mentioned, to the best of his Remembrance, that the Duke's Orders had come to him to march: but he is not

not certain of that; he is sure he said the Orders were to march up.

Q. When his Lordship rode up to Lord George Sackville to acquaint him with the Orders he had received, to march up directly, and Lord George Sackville answered, he was only forming the Troops into a Line,—was the Cavalry then moving to the Left to make Room for the two Regiments on the Right of the first Line, or what other Movement were they then making, or were they halted?

A. They were marching to the Left, when his Lordship rode up from Colonel Fitzroy.

Q. Could his Lordship form any Judgment of the Space of Time, which was taken up in marching from the Place where the Cavalry were first formed in two Lines, to the Place, where the Action appeared to have first begun?

A. He can't exactly guess, but he should suppose about 25 Minutes, or Half an Hour.

Q. Does he apprehend it could have been done sooner?

A. Certainly it might.

Q. (By Desire of Lord George Sackville) Whether he knew the Position of the Infantry at the Time the Cavalry was first formed?

A. He did not.

Q. Had his Lordship, or any other of the Generals, to his Knowledge, any Disposition communicated to them, or any general Instructions relating to that Day?

A. He had none, nor is he acquainted, that any other of the Generals had.

Q. Did Prince Ferdinand usually instruct his Generals, before he expected Action?

A. At the Battle of Bergen, before the Troops marched up to the Attack, Prince Ferdinand sent for all the Lieutenant Generals, and gave his Orders for the Disposition of March and the Order of Battle: He remembers this Particular, he don't recollect any other.

Q. Has his Lordship heard that Prince Ferdinand usually does that, and excels in it?

A. He has heard, that he has done it, and very clearly and distinctly:—H. S. H. was very clear in those Orders he gave at Bergen.

Q. Did his Lordship imagine, that Part of the second Line of Infantry had been originally formed in the Front of the Cavalry?

A. He thought, that there were Infantry in the Front of the Cavalry.

Q. Did his Lordship know, that Lord *George Sackville* received any verbal Orders from Prince *Ferdinand* for forming upon the Heath, after passing the Wood?

A. He don't remember having heard of it.

Q. Does he remember, the Day after the Battle, upon the Order of Prince *Ferdinand* being given out with an implied Censure upon Lord *George Sackville*, that he asked his Lordship, whether he had improperly halted him that Day?

A. Lord *George Sackville* desired, he would come to his Quarters after the *Feu de Joye*, and, he thinks, mentioned to him, that he had heard, that he had been blamed for having halted him: He then, to the best of his Recollection, mentioned the same to Lord *George Sackville*, in regard to the Halts, as he has given in Evidence, and told him, that he was ready, if his Lordship desired it, to acquaint the Duke with any Thing he knew with regard to Lord *George's* Conduct that Day. Lord *George* desired him to write to the Duke; but he excused himself, as not being conversant in French, but was ready to wait upon H. S. H. with Lord *George Sackville*.

Q. Does he remember Lieutenant Colonel *Hotham* writing a Letter for Lord *George Sackville*, to sign, in his Lordship's and Lord *George Sackville's* Presence, upon that Subject?

A. He remembers Lieutenant Colonel *Hotham's* writing a Letter.

Q. Were the Words of it, to the best of his Recollection, these——“ L' Ordre, que je donnois a mi Lord *Granby*
 “ de faire halte, c'étoit toujours dans le dessein d' obeir aux
 “ votres en gardant l' alignement, qui ne dura que très peu
 “ de temps, autant seulement qui étoit necessaire a cet effet.
 “ Je lui donnai après pour la même raison le même ordre.
 “ Il me fit dire, qu'il avoit reçu ceux de votre Altesse de
 “ de s'avancer, et il le fit effectivement. Et je me pressai
 “ avec la droite pour m'aligner avec lui, jusqu' a ce, que
 “ nous arrivâmes derriere l' Infanterie: et il me parut même
 “ dans ce moment, qu'il ne me devança point. Mi Lord
 “ *Granby* me rendra sur cette article Justice, et m' autorize
 “ de lui dire, qu'il est prêt de rendre son temoignage la-dessus
 “ a votre Altesse en ma presence?”

A. He (Lord *Granby*) does not remember the Letter in these Terms; he saw a rough Copy of a Letter;—he remembers telling Lord *George Sackville*, when he asked him, whether he did not come on with his Line, as fast as he (Lord *Granby*) went with his, that he did not mind any Thing about it, as he was looking forward; his Lordship knew that

best himself: That in regard to any particular Matters in that Letter, he always answered, he could only speak to Facts; which were *Wintzingerode's* coming up, the Halt upon the Plain, going up to the Fir-wood, Colonel *Fitzroy's* coming up to him, and the Halt, after he had marched in Consequence of his coming up. — That Part of Lord *George Sackville's* Letter, "*Il me fit dire, &c.*" and what follows it, he does not remember; nor indeed can he very well recollect the Contents of the Letter, as he read it only once over in a Hurry.

Q. After the Troops had passed the Fir grove, does he remember, whether the Right was up with the Left?

A. He does not exactly remember whether they were or not, as he (Lord *Granby*) was advanced in the Front.

Q. Does he remember, when he saw General *Elliot* halted, whether the Right was then up?

A. He believes they were just up, or just coming up.

Q. Did General *Elliot* immediately advance upon his sending to him?

A. The second Line advanced immediately; and he believes the whole; he does not know to the contrary.

Q. Does his Lordship know, what Infantry was in Front of the Cavalry?

A. He did not then know what Infantry they were.

Q. Does he now know?

A. He has been since informed they were some *Hanoverian* Regiments, which were then in their Front; he believes *Scheele's* Brigade.

Q. Does he take it they were Part of the second Line?

A. He thinks they were; he has understood they were ordered up from the second Line to the Right, to sustain the Attack of the Village of *Halen*.

Q. Does his Lordship remember taking a Position with the second Line of Cavalry fronting the Morass?

A. The Left of the second Line was to the Right of the first, and the Right of the second Line running obliquely from the first Line to the Morass. It was not drawn up in a Line with them, there was not Ground.

Q. (By Desire of the Court.) The Day before the Battle, how near was the second Line encamped to the first?

A. He does not remember there was any greater Distance than usual; or nothing considerable.

Q. From the Cavalry being formed at the Head of their own Encampments, marching to the Place where they first formed in two Lines, does he apprehend any time to have been lost?

A. They

A. They might have marched faster, if it had been thought necessary, from the Time of his joining them.—Early in the Morning, as he was dressing, he heard a Cannon fired to the Right, followed by a second and third; he immediately ordered his Horse, and at the same Time sent to Lord George Sackville's Quarters to know, if there were any Orders, and what that Firing was: The Man brought him Word, that every Thing was quiet at Lord George Sackville's Quarters, and that the Centinel did not know, what the Firing was. His Horse was brought to the Door, and he immediately rode out to the Right into the great Field there, from whence he could see some Part of the Right of our Encampment. Seeing the Tents standing, and perceiving, that the Firing was upon the Prince's Quarters, and the two *British* Battalions encamped to cover them, as he knew, or heard of nothing that was passing to the Left (he means of any Motions of the Enemy) he very unhappily for himself rode to the Right, to where those Regiments were encamped, thinking the Enemy were making some Attack upon those Regiments. When he came there, he found, that those Regiments had been cannonaded, and were marched off from their Ground. He there met Lieutenant Colonel *Fitzroy* and the Duke of *Richmond*, who told him, that the Prince was gone towards the Camp. Upon which he galloped with them, as fast as possible, to the Camp. There being a very great Dust just at that Time, they passed without perceiving the little Lane, which led strait up to the Right of the Cavalry. They were obliged therefore to go round some few Enclosures, which brought them a little into the Rear of the Encampment; by which means the Cavalry had marched off the Ground before he joined them. He came up with the Rear of the Column just as they entered into North *Hammeren* Field; which might be about 400 or 500 Yards, he can't speak exactly, in the Front of the first Line.

Q. How long, after they were formed, did they remain upon that Ground?

A. He has before said, as he thinks, about 25 Minutes, he can't speak exactly.

Q. Supposing they had immediately marched from that Ground, could they have been in Time to have formed a third Line behind the second Line of Infantry, to have covered them?

A. If the Infantry, when Captain *Wintzingerode* came up to him first, was drawn up at the Fir Wood he has spoken of, he must think, that they might: And, as there was

still more Time from their first forming, in that case they certainly could.

Q. How far was that Fir Wood off from the Place where the Cavalry was then formed?

A. From the Right of the Cavalry, he should think, three Quarters of a Mile, or about a Mile.

Q. Had the right Wing of the Cavalry marched immediately, from their first forming in two Lines, could they have been in Time to have engaged the Enemy?

A. By what he has heard in regard to the Action, he thinks, in that case, they should certainly have been up Time enough to have engaged Part of the Enemy.

Q. Can he speak from any Observation he made himself that Day?

A. He never saw the Enemy during the whole Day.

Q. Would they have been in Time to have pursued the Enemy?

A. As there was a good Distance from the Fir Wood to *Minden*, by all the Information he has had, they certainly might have been in Time to have pursued, supposing they had marched as soon as they had first formed.

Q. If the *British* Cavalry had immediately marched, as soon as *Wintzingerode* came to them, would the Cavalry have been in Time to have engaged the Enemy, or pursued them?

A. He must think, if they had then marched on immediately, upon a Trot, they would have been in Time to have engaged the Enemy, or pursued them.

Q. After Lord *Granby* had received Orders from Prince *Ferdinand* by Lieutenant Colonel *Fitzroy*, to advance with the Cavalry, if he had continued the same Pace of March, as he did, till he had got thro' the Wood, and had not waited for the first Line, or been halted; could he have got up in Time to have formed a third Line behind the Infantry, or to have charged or pursued the Enemy?

A. When Lieutenant Colonel *Fitzroy* gave him that Order, the Infantry were in Sight, but at a great Distance from them: He galloped on, at the Head of the second Line, and they came after him very fast, he thinks a full Trot; and he believes some might have galloped. If they had continued that Pace, they should have joined the Infantry much sooner, but whether Time enough to have done much Execution, as he is not certain where the Enemy then were, or how near the Enemy had got to *Minden*, he can't possibly say.

Q. What Time was it in the Morning, when he heard the first firing of Cannon?

A. He can't exactly say; he believes, between 4 and 5 o'Clock.

Q. Did his Lordship send to Lord *George Sackville* to acquaint him with it, or only to know, if any Orders were come?

A. He only sent a Servant to know, if any Thing sudden, or extraordinary, had happened, or any Orders.

Q. Does he recollect, how often Lord *George Sackville* sent him Orders, to halt the Left of the Cavalry, which he led, before he received Prince *Ferdinand's* Orders by Lieutenant Colonel *Fitzroy*, to advance as fast as possible?

A. He don't recollect certainly (*to halt*) but once: As they marched on, there came several Times Messäges, not to march so fast.

Q. How often were the Left of the Cavalry halted by Lord *George's* Order, after his having acquainted Lord *George Sackville* of his having received Prince *Ferdinand's* Order by Lieutenant Colonel *Fitzroy*, to advance as fast as possible with the Cavalry?

A. Once Lord *George Sackville* halted them; and afterwards there was a little Halt by a Pass-Parole: he thinks Lieutenant Colonel *Hosham* came up at the same Time, with an Order to halt, and dress the Ranks.

Q. Did his Lordship know whether Lord *George Sackville* had been with Prince *Ferdinand* before Lieutenant Colonel *Fitzroy* brought this Order?

A. He did not know it.

Q. Does he think, that, from the Time they passed the Wood, if Lord *George Sackville* had not halted the Left of the Cavalry at different Times, as he was advancing with it, he could have come up in Time, and in proper Order with it, to have charged the Enemy before they retreated?

A. As soon as ever they had passed the Wood; if they had marched as fast as they could, without blowing the Horses (in proper Order) he supposes, they should have been up with the Foot, judging by the Distance, as far he can recollect, a Quarter of an Hour, or 20 Minutes, sooner than they were: He does not know, how far it might have been done, keeping an exact Line all the Way, (as they would do on the Parade) but yet keeping a proper Line.

Q. How long after the Action was over, was it that they came up to the Infantry?

A. When

A. When he first saw the Infantry, it was from the Fir Wood; they were at a great Distance, and marching on; When they came up to the Right, they saw nothing of the Enemy; he can't exactly say, how long the Affair had been over.

Q. Does he remember to have said any Thing to Lieutenant Colonel *Fitzroy* (when he delivered the Orders to advance with the Cavalry) relative to the Motions of the *first Line*, that was then upon the Right?

A. When Lieutenant Colonel *Fitzroy* came up to him, he told him, it was not his Fault, but that they were marching by Lord *George Sackville's* Order, to the Left, to take Ground, in order to form a Line; and he believes he was vexed, and might have found fault with Lord *George's* Manœuvres, thinking Time was lost thereby.

Q. Does his Lordship remember his having remarked to Lieutenant Colonel *Fitzroy*, that the Right was not so far advanced as the Left?

A. He does not exactly recollect: He might have done so.

Q. (By Desire of Lord *George Sackville*) Whether the Infantry, which his Lordship saw at that Distance when he first came to the Fir Grove, was Part of the Infantry which had been engaged, or Part of the Infantry which was to sustain the Attack?

A. He was never near enough to know what Infantry it was; he then took it to be Infantry that had been engaged, not knowing of any other Infantry being on that Spot.

Q. Whether he knows, the Lines of Infantry were formed before they advanced to engage?

A. As he did not see any Thing of the Infantry, he can't say, whether they were or not.

LIEUTENANT JOHN WOGAN, of the Regiment of Dragoon Guards commanded by Lieutenant General Sir *Charles Howard*, was sworn and examined,

Q. Was he present, or does he know of Lord *Granby's* commanding the Cavalry of the second Line to march, in consequence of any Thing reported, or observed to his Lordship, by Captain *Wintzingerode*?

A. He does remember it.

Q. Was he sent with any, and what Orders upon that Occasion?

A. Lord *Granby* ordered him, upon that Occasion, to go to the left, to the commanding Officer of the *Hanoverian* Regiments,

Regiments, with Orders for them to make ready to march: He gave those Orders to the Officer who commanded, and returned to the Regiment again.

Q. Did the second Line march ?

A. A little Time after, they did. *

Q. Where was this March from ?

A. From the Place where they first formed in two Lines.

Q. Did he hear what passed between Lord Granby and Captain Wintzingerode ?

A. He did not.

LIEUTENANT JOHN WALSH, Adjutant of the Royal Regiment of Horse Guards, was sworn and examined,

Q. Whether he knows of the Cavalry of the second Line, under the Command of Lord Granby, being at any Time halted when on the March, upon the Day of the Battle of *Min-den*, and by whose Order ?

A. Lieutenant Colonel *Johnston* sent him to Lord *George Sackville*, to let him know that the second Brigade was going on, and to desire to know if the Blues might advance: The Answer he received from Lord *George Sackville* was, that the Blues were to remain where they were. At the same Time his Lordship ordered him (he believes his Words were) to halt the second Brigade, and order them to dress to the Right.

Q. Can he inform the Court when this was ?

A. He can't exactly say ; it was a little after they passed the Wood.

Q. Which Line was he in ?

A. In the Left of the first Brigade.

THE EVIDENCE in Support of the Charge being rested here, LORD GEORGE SACKVILLE desired the Court would allow him a reasonable Time to consider the Evidence, and to methodize his Defence ; which Request the Court thought fit to comply with, and

ADJOURNED till *Saturday* Morning Ten o'Clock.

SATUR.

SATURDAY 15th MARCH, 1760.

THE COURT being met, pursuant to ADJOURNMENT,

LORD GEORGE SACKVILLE delivered himself to the COURT, as follows :

‘ I AM very sensible of this last Instance of his Majesty’s Goodness towards me, and I have so strong a Feeling of the advantageous Situation, in which I now stand, compared with that in which I was lately placed, that I shall not begin my Defence with any Observations on the Means that have been employed to prejudice the Opinion of his Majesty, and of the Public against me.—Convinced, that his Majesty’s known Equity would graciously dispose him to grant my Request, of being allowed a Trial in a Court legally authorised, and before Judges properly qualified to examine into my Conduct, I have never attempted, by any Complaints of hard Treatment, nor by any Representations of my Case, to awaken the public Attention in my Behalf, or to remove the popular Prejudices against me; painful, as it is, to suffer a Moment in the good Opinion of my Country, I have waited silently, though with a respectful Impatience, for the Opportunity which is now given me, of laying my whole Conduct before this Court; for my whole Conduct relative to the Affair of *Minden* shall now be laid before you, which has not hitherto been done, neither could it be done by Witnesses, who saw but a Part, and saw that Part but imperfectly; and wherever they have been obliged to speak to Matters of Opinion, or what they could not see, have not been able to disengage their Minds from the Influence of the Prejudices excited against me by the implied Censure in the Orders after the Action of *Minden*.

‘ What were the particular Grounds of that Censure, I never was informed, nor could I hope to know, except by this Trial. Conscious that my whole Conduct would bear the strictest Scrutiny by a just and impartial Court, I solicited to be tried, without knowing what Accusation might be brought against me. It was for this Reason I already said to the Court, that, if I had been afraid of the Truth’s being sifted, I need not have called for this Inquiry. For every

every Man must do me the Justice to say, that I stand here a willing Prisoner, nor should I have come to this Bar, but by my own Desire.

My Defence consists not in Argument, but in being able to establish a true and perfect State of the Facts with regard to the Subject of the Charge; I am very unwilling therefore to detain the Court from hearing the Evidence, from whence, and not from my Relation, their Judgment must be formed, and I shall not introduce my Defence by any Narrative of my own Conduct.

I shall only at present endeavour to collect the particular Articles, by which the general Charge against me is attempted to be supported, and to explain the general Tendency of the Defence, that I shall make to each Article, which will naturally lead me to take some Notice of the Evidence, that has been given in support of the Charge.

I am accused in general of Disobedience to the Orders of Prince *Ferdinand*; and that Charge is confined by the Judge Advocate to the Disobedience of Orders relative to the Affair of *Minden*.

The whole Matter of the Charge then is, what Orders were delivered to me? Whether they were obeyed? If not, whether they could have been obeyed? — If the Evidence in support of the Charge had been confined to these Particulars, my Defence might have been brought within the same Compass, and it would have only been necessary for me to prove, that the Orders delivered to me were not delivered in the Manner stated by the Evidence in support of the Charge, or to prove, that I did to the best of my Power endeavour to execute the Orders delivered, according as I understood them; for the Court very well knows, that not to have executed Orders in Action does not always imply even a Neglect of Duty.

But the Examination has led very much to an Inquiry into the Consequences of the Cavalry being engaged, or remaining inactive, at the Affair of *Minden*. This Inquiry, in whatever Manner it is answered, ought not to affect my Trial; for the only Question is, Am I guilty, or not, of the Disobedience of such Orders as I received?

The Defence I intended to make, goes directly to the substantial Part of the Charge; when that is answered, those Matters of Opinion, which tend to aggravate and inflame, will be of very little Moment, and I shall not give the Court much Trouble with proving, how uncertain, or how false they generally are: — My Intention is not to throw Blame

H

upon

upon others, but to vindicate myself from the Blame imputed to me; and I must here beg the Court would enter into my Situation, and not Judge upon my supposed Knowledge, or upon Facts since disclosed, but look upon me at the Head of a Right Wing of Cavalry, without any general Disposition communicated to me, or any previous Instructions given for my Conduct, unacquainted with the Ground, with Woods or Inclosures upon my Right and Left, and the Country open only to the Front, towards which Front the original Position of the Cavalry was to have been.

The first particular Article is, the Disobedience of the Orders of the Day preceding the Action: this was very fully gone into by the Witnesses for the Charge, and the Intention of making this an Article, was avowed to be not so much to charge me with any direct Disobedience, as to prove the general Negligence and Remissness of my Conduct, and rather to give a plausible Appearance to the following Articles, than to make a particular Article of itself.

For what Reason such an Article, so confessedly inconclusive, was taken in to swell the Accusation, I shall submit to the Court. But since the Charge is to be supported by shewing, that even before the Action I had no Inclination to obey, I desire no other Test of the Inclination I then had to do my Duty, than to give a full Account of my Conduct preceding the Action; and I shall prove, by undoubted Evidence, that in Diligence, Activity, and Obedience, my Conduct always was becoming the Trust reposed in me.

In support of the Charge, Colonel *Hotham* has proved the first Orders delivered after the Army came into the Camp at *Hille* on the 29th *July*, which so far as relate to me, are only, that the Generals shall take particular notice of the Debouchers, by which the Army may advance to form in the Plain of *Minden*: He also proved the After-orders of the 31st *July*, delivered to him at six in the Evening of that Day, for the Army to be ready to march at one o'Clock in the Morning, the Cavalry to be then saddled, but the Tents not to be struck till farther Orders; and for the Generals leading in Columns (of which I was one) to make themselves acquainted with the Avenues leading from the Camp, that is, the March of the Columns, as well as the Ground in Front.—And he has also proved, that these Orders were delivered to me after my Return to my Quarters,

ters, on the Evening of the 31st, from the Picquets, out of which Duty I was employed on the 30th and 31st.

The Intention of these Orders being introduced and insisted on, is to shew, that an Action was expected on the following Day; and that these Orders were given in that View, to have the Troops in readiness for engaging. How far an Action could be expected at the particular Time on which it happened, the Court has already had an Opportunity of judging from several of the Witnesses, who have spoke of the Disposition of the Army on the Morning of the Action, particularly from the Evidence of the Marquis of *Granby*, a Lieutenant General, and second in command of the *British* Troops, who was as little acquainted as myself with any Plan of Action, or instructed in any general Disposition; a Precaution, that few Commanders in chief, and particularly H. S. Highness, who is so able to form and to explain his Ideas, have seldom omitted on the Eve of an Engagement.

But I shall shew, that these Orders had been so frequently repeated, that they were no longer understood to suggest any Certainty of an approaching Action, but required no more than the common Degree of Diligence, with which every Order ought to be put in Execution;—thus much with regard to the Orders themselves.

With regard to the Execution of them, so far as they relate to the Troops, Major *Stubbs* has proved, that the Cavalry was saddled before the Orders to strike Tents were brought, which he thinks was about four.

Whether they were saddled at One, or not, is a Circumstance that cannot affect me, for Colonel *Hotham* has proved, that the Orders were distributed to the Brigades; but supposing I were to be answerable for the Neglect of Orders sent to the Brigades, Colonel *Pitt* has proved, that the Horses of the Regiment under his Command were saddled at One. Colonel *Sloper* indeed has said as much, but, as I shall hereafter shew, that his Evidence can prove nothing, I will not throw such a Stain upon my Defence, as to quote his Evidence as Proof, not even where he is obliged to disclose a Circumstance that may make in my favour: But even if the Horses had not been saddled, according to the Order, as I shall prove they were, it is certain, that no Delay was occasioned by this, since all were ready when the Orders to march came to the Camp.

With regard to the Part of the Orders that relate to the Generals reconnoitring the Avenues to the Camp, and the

March of the Columns, I shall prove, by undoubted Evidence, that I complied with them as far as I possibly could, consistent with the other Duty, in which I was at that Time immediately engaged.

With regard to the March of the Cavalry from its Encampment, the Orders to march were not brought, as they should have been to me; the first Notice I had of it was by a Message, not an Order, from General *Sporcken*. I immediately galloped up with Major *Stubbs* to the Head of the Line, as appears by his Evidence, and was, as I ought to be, the first General Officer of my Division that arrived there; and so desirous was I to lose no Time, that I came there unattended by any of my Aides-de-Camp. I immediately marched with the Column, and shall prove, that no Delay whatever was occasioned by the Mistake in the Delivery of the Orders, but that I was with the Cavalry upon the Ground shewed me by Captain *Malhorti* before the Columns of Infantry had begun to form.

The second Article of the Charge is the positive Disobedience of the Orders sent by Captain *Wintzingerode*.

The only Witness to this is Captain *Wintzingerode*, (why I say the only Witness, I shall afterwards explain) and I am very glad to do Justice to the candid and ingenuous Manner, with which his Testimony was delivered.

Though I shall be able to contradict his Evidence with regard to the Orders he delivered to me, I do not mean to question his Veracity; I make no Doubt, that he imagined he explained his Orders to me in the Manner he now states them; he is cautious, at this Distance of Time, of asserting the Words he used, but says, he endeavoured to explain his Orders as well as he could, and is certain, that he gave the Sense of the Orders he brought.

It is very natural for a Person to suppose, that what he means to express, he has expressed plainly, tho' the Person to whom he speaks, finds great Difficulty in understanding them. I shall shew the Court, that the Orders delivered by Captain *Wintzingerode*, were not, nor could not be understood by me, in the Way he has now stated them, and I shall afterwards shew, by many Evidences, the Steps I took towards the Execution of them in the Manner I understood them, and the Obstacles which must have prevented the Execution of his Orders, as he has stated them.

These Circumstances will prove, that instead of doing nothing, as has been said, upon receiving Captain *Wintzingerode's*

gerode's Orders, all was done that could be done within the Time, and in the Situation I then was.

It will likewise appear, that the Interval of Time between Captain *Wintzingerode's* Order and Captain *Ligonier's* was very short, and no Part of it lost. Captain *Wintzingerode's* Candor indeed affords me a positive Contradiction to all those Witnesses, who have made this Interval so long; that Gentleman, when he left me, rode, as he says, full Gallop towards the Prince, and met Colonel *Fitzroy*; what was the Distance from the Cavalry to the Place where they met, Captain *Wintzingerode* does not say, but Colonel *Fitzroy* thinks it was about 600 Yards from the Cavalry to where the Prince was.

Captain *Ligonier* left the Prince before Colonel *Fitzroy*, and it is impossible then, that the Space of Time in which Captain *Wintzingerode* galloped Part of these 600 Yards could have been equal to a Half of that Interval, which the Witnesses make between the Order of Captain *Wintzingerode* and that of Captain *Ligonier*.

Another Observation I shall make from Captain *Wintzingerode's* Evidence is, that he has disclosed a Circumstance, which entirely removes every Prejudice that might arise from the Evidence that was attempted to be given of the Prince's Impatience, that the Cavalry did not advance. The Inference from thence to my Prejudice is, that H. S. Highness's Impatience proves his Sense of my Delay; but I beg leave to observe, that it only proves, that the Prince had very great Occasion for Cavalry, and was very sensible that they might be very useful, where they were not posted. Captain *Wintzingerode* was sent to look for the Cavalry, for he was not told where he should find them; he delivers his Orders and gallops back. In his Way he meets Colonel *Fitzroy*, sent for the same Purpose, who tells him, that the Prince is in the utmost Impatience for the Arrival of the Cavalry. Unless it was possible to imagine, that twenty-two Squadrons could move faster than Captain *Wintzingerode*, who went full Gallop, and was not then come in Sight of the Prince, the Impatience, which prompted H. S. H. to send off a second and a third Messenger, could not well have proceeded, at that Time, from any well-founded Opinion of an improper Delay of the Cavalry, if he knew the Distance at which they were posted.

Thus much with regard to the Order of Captain *Wintzingerode*, so far as it is proved by his own Evidence.

Colonel

Colonel *Sloper* has sworn to the very Words of the Order, which Captain *Wintzingerode* has too much Candor in himself to recollect. In what manner his Evidence was given, I need not remind the Court. He owns, that he has told his Story to so many People, that he cannot possibly remember to whom he has told it in particular; so that, by his own Confession, he comes into Court prepared, and obliged to support by his Oath, the Credit of the Tale he has so often told; and he is hardy enough to swear, that he is morally certain, that every Time he has repeated it, he has always used the same Words that he has done to the Court; a Circumstance that never did, nor could happen upon a true Relation of Facts.

With regard to the Matter of his Evidence, I shall shew the Court, if his own Behaviour has not entirely destroyed the Credit of his Testimony, that it is impossible, from his Situation that Day, that what he has sworn can be true, or that he could hear all that he pretends to have heard.

If he had given me an Opportunity, I believe I should also have been able to prove, that I did not speak to him that Day to receive his Advice; but the Court must have observed, that, on the Cross-examination, he would give no direct Answer to any Question; and, accurate as his Memory was in other Particulars, he would not remember the Name of any one Officer he at any Time saw with me, except Captain *Hugo*; and him only, because Captain *Wintzingerode*'s speaking to him in *German* was a Circumstance he had introduced in the Relation he had given out of Doors, and durst not venture entirely to forget it in Court. If I prove these Things, with regard to Colonel *Sloper*'s Evidence, I shall have said with Reason, that Captain *Wintzingerode*'s Evidence is the only one, as to the Orders delivered by him to me.

Having mentioned Colonel *Sloper*'s Evidence, I am obliged to take notice of the Aspersions he has thrown upon my Character. Imputations of that Nature were very little to be expected by one, who had the Honour of arriving at the Rank of a Lieutenant General, after a Course of some Duty and Service. It is hard upon a Man to be obliged to speak of his own Actions, or of his own Merit or Character in the Service; but what makes it, on this Occasion, absolutely unnecessary, is that most of the Generals who compose this Court, have either commanded me, or I have had the Honour of commanding them; and I am persuaded they will feel a generous Indignation in my Behalf, and declare

‘ declare whether my former Conduct ought not to have exempted me from so mean an Attack.

‘ But as this Slander is thrown out not for the Court, but as a Topick for popular Calumny, I shall be obliged to submit to the Mortification of asking those, who saw me, whether I was not as ready to do my Duty, as distinct in my Orders, and bore as firm a Countenance, as any Man during that whole Day. I shall beg the Indulgence of the Court also to permit me to have the Satisfaction of receiving a fresh Instance of the Approbation of such Officers of known and approved Reputation, under whose Command I have acted in Situations of real Danger.

‘ The third Article of the Charge I am at a Loss how to state, whether it is the Disobedience of the Order delivered by Captain *Ligonier*, which was immediately complied with, or the Disobedience of the After-order delivered by Colonel *Fitzroy*, which varied materially from it; or whether it is the Hesitation and Doubt, which of the two Orders, tho’ different, delivered almost at one Time, and seeming to every one present, as well as to me, to have been intended as the same; and my going a few hundred Yards to the Prince to obtain an Explanation of these Doubts, not neglecting, however, in the mean while, to forward the Service; whether, I say, any, or all of these Circumstances, are to be imputed to me as a Crime, I do not know; but I shall endeavour, after establishing the Facts, to give an Answer to each of them.

‘ With regard to the Order delivered by Captain *Ligonier*, I cannot help observing how very inconsistent and strange that Order must appear, as stated in his Evidence. He says, that he was sent by the Prince, upon several Reports of the Disorder that appeared in the Enemy’s Cavalry; he says, his Orders were to me to advance with the Cavalry, in order to profit of the Disorder that appeared in that of the Enemy. The Order implies, that the Engagement was already begun; yet, when he comes to be asked, with a view to ascertain the Time, how long the Troops had been engaged, he then says, that the Infantry was only advancing, and that he left the Prince before any Attack by either Army. What then could occasion that Disorder of the Cavalry, of which we were to profit? For it is well known to every one, that the Enemy’s Cavalry did, in the first Onset of that short Action, attack that brave *British* Infantry, to whose Intrepidity the Success of that Day was entirely owing.

‘ Colonel *Fitzroy* brought me the Order to advance with
‘ the

the *British* Cavalry, as I was obeying that of Captain *Ligonier*, to advance with the *whole* Cavalry. I shall shew more clearly than it is express'd by their Evidence, what Opinion they both had then of the Messages they brought, And I must observe, that it is not from what they have sincerely collected, but from the Opinion which they then express'd to me of their Orders, that my Conduct is to be judged, and the Reasonableness of the Doubt I then entertained of the Movements that I was to make in so critical a Situation, when the Distinctness or Indistinctness of two young Aides-de-camp might have decided the Fate of the Army.

Had I then acted a cautious Part with regard to myself, it had been easy for me to have made either of these Gentlemen answerable for the Step I should have taken; but, entrusted with such a Command as I bore, it became me not to consider my own Security, but the publick Service; and I determin'd to act upon certain Grounds, having already experienced too much of the Confusion of Orders sent by Aides-de-camp. If this is criminal, I know not what Conduct in an Officer, that is consistent with the Character of an honest Man, can protect him from Blame; a strict and an implicit Obedience I know is the Duty of an Officer, but an Obedience to you know not what Order, is neither the Part of an Officer, nor of a Man.

I shall farther shew, upon this Part of the Charge, that no unnecessary Time was lost, and that, as already has been proved, the Cavalry did pass the Wood, and was even in Sight of H. S. H., whilst I was receiving my Orders from him.

The last Article of the Charge seems to be, that, after these several Orders, the Cavalry advanced too slow, and that I halted the second Brigade, under the Marquis of *Granby*, to delay the March; and even after the Orders brought by Colonel *Fitzroy* to Lord *Granby*, to advance as quick as possible, were communicated to me, that I halted the Cavalry a second and a third Time.

The Force of this Article, as a Charge of Disobedience, must depend upon the Orders under which I then acted, and the Necessity there was for these Halts. The Orders under which I then acted, were not those of any Aide-de-camp, but what I received from H. S. H. himself. I shall prove what they were; and I shall likewise prove, that every Halt, which was made by my Command, was necessary for the Execution of them. I must beg the Court would here again enter a little into my Situation at that Time

‘ Time, and consider, not how the Cavalry might have advanced, supposing the Success of the Day decided and certain, but how the Cavalry ought to advance, supposing, as was the Case, there was Reason to expect they might charge or be charged. But even had my Orders been only to advance, ought I to have understood, that to advance, meant to advance in Confusion?

‘ The Marching of Cavalry in Line must be Matter of Judgment; as for my Part, I submit to those whose Services entitle them to decide upon this Occasion, whether it is possible, in an extended Line of several Squadrons, to advance with Quickness, and at the same Time with tolerable Regularity. I have ever found the greatest Difficulty in preserving Intervals, or even the Appearance of a Line, without a constant Attention to their Motions, and stopping the first Appearance of Irregularity. To attack with Velocity and Vigour, you must advance without Hurry and Confusion; if Pursuit is the Object, then I understand a Part is to be detached; but that Part is to be sustained by Squadrons not broken: If the Line is to charge, as soon as it comes within a proper Distance, the greater the Velocity with which they proceed against the Enemy, the greater the Effect; but whoever attempts to bring Squadrons, after being blown or hurried, to an Attack, will soon find that the Vigour and Weight so peculiar to the *British* Cavalry, will be lost by their own Mismanagement and Indiscretion.

‘ These are the Principles upon which I thought it proper to conduct a Wing of Cavalry. When I have proved my Orders, and shewn the Reasons for such Halts as I made, it will then be a Question for the Judgment of the Generals who compose this Court, whether my Attention and Care to preserve a firm and compact Body of Cavalry, to sustain or to attack, were improper?

‘ Such is my Defence with Regard to the Movements of the Cavalry in general, after it came upon the Plains of *Minden*; as to that particular Charge which sounds so strongly against me, That after I knew of H. S. H’s Orders to Lord *Granby*, I halted his Brigade, it is answered already by his Lordship’s Evidence.—He says, that he did not understand Colonel *Fitzroy’s* Order to be addressed to him only to advance with his own Brigade, but that it was an Order for the whole Line to advance. Had the Order detached the Marquis of *Granby* from my Command, I had been to blame to have halted the Brigade upon any Account,

as that Order did not detach him, nor could supersede me in my Command, it was my Duty to attend to the Execution of it in the Manner my Judgment directed me; and I shall insist upon it, that I made no unnecessary Halt whatever.

Having taken some Notice of every particular Article of the Charge, I shall now beg Leave to make one general Observation upon the Incertainty of that Evidence, on which so much of it depends; I mean the Conjectures, rather than Opinions, of Men in an Engagement, as to Times and Distances. The whole Depositions shew how little these Opinions agree together. Colonel *Ligonier* says, that the Enemy retired about three Quarters of an Hour after he carried his Orders. Colonel *Fitzroy* contradicts him, and says, that after he returned to the Prince (which by the Evidence we are to suppose was posterior to Colonel *Ligonier's* Order) the Action lasted an Hour and a Half; and Captain *Derenthal* seems to contradict them both. The Infantry, according to Captain *Ligonier* and Colonel *Fitzroy*, was only advancing, when they left the Prince; yet, according to Captain *Wintzingerode's* Account, when he met Colonel *Fitzroy*, who had but just left the Prince, the Infantry was in full Action. These are but a few Instances of the many Contradictions in Regard to Time, with which the Evidence abounds: I don't mean it as a Reflection upon the Fairness of the Witnesses, but only to shew the Incertainty of such Evidence, and how very dangerous it becomes for an Officer's Conduct to be tried upon the various and incertain Apprehensions, which Men, whose Attention is deeply engaged, entertain of Times and of Distances.

I shall endeavour in the Course of my Evidence to give the Court a little more Satisfaction in this Respect, and to ascertain the Intervals of Time, not by what passes in a Man's Mind, but by what he has done in the mean while; and to prove the Distances and Situation of the Ground by those who examined them coolly and deliberately, not by the Ideas that Men form while passing at a Gallop across a Cannonade.

I have now stated to the Court the several Articles of the Charge, as I have been able to collect them from the Evidence, and the Nature of my Defence to each; I have confined myself to the most general Observations on the Evidence already given, and I have avoided anticipat-

‘ pating that which shall be given by any Narrative of the particular Facts to be proved.

‘ When the Court has heard the whole, I shall then beg their Indulgence to lay before them a full State of my Case, as it shall appear upon comparing the Evidence for and against me. At present I have only stated what is necessary for pointing out to their Attention the Matters to be proved.

‘ This Defence is intended not for the World, but for the Information of the Court. All I at present desire is, that Mankind would suspend their Judgment of my Conduct till the Evidence is closed: then I trust in the Goodness of my Cause, which has supported me under a Load of Calumny, and emboldened me to ask for this Trial, that under your favourable Judgment the Candid will with Pleasure acquit me, the Prejudiced be obliged to retract their rash Censures, and that I shall again be restored to the good Opinion of my Country, and of my Sovereign.’

LIEUTENANT COLONEL HOTHAM, Adjutant General to the *British Forces* serving in *Germany*, was again called, and examined at the Desire of Lord *George Sackville*.

Q. Whether, in the Orders of the 29th of *July* last, Lord *George Sackville* was mentioned for any, and what Duty?

A. In those Orders Lord *George Sackville* was appointed Lieutenant General of the Day for the next Day the 30th.

Q. At what Time did Lord *George Sackville* return to his Quarters from that Duty?

A. On the 31st in the Evening, between Seven and Eight.

Q. At what Hour did he receive the Orders of the 31st of *July*, relating to the saddling of the Horses, &c.?

A. About Six in the Evening.

Q. Did he report to Lord *George Sackville*, that he had sent them to the Line immediately after his Receipt of them?

A. He did.

Q. Had they not frequently Orders for saddling within the Fortnight preceding the Action?

A. They had.

Q. Were there any, and what other Orders given to the whole Corps of *British* Troops to be in Readiness to march on the 31st of *July*?

A. In the Morning of the 31st of *July* the following Order was given :——All the *British* Troops to hold themselves in Readiness to march, but not to strike their Tents till farther Orders; the Cavalry to saddle immediately, the Infantry to dress, and the whole to wait for farther Orders.

Q. Was it not generally understood that they were to have marched to the Right, away from *Minden*?

A. It was supposed they were to have marched to the Right.

Q. Was he desired to send those Orders to Lord *George Sackville*?

A. No.

Q. At what Hour did he go to the Line on the 1st of *August*?

A. About Six in the Morning.

Q. Where was Lord *George Sackville* when the Deponent joined him?

A. At the Head of the Line of Cavalry.

Q. Was the Cavalry then in March?

A. It was.

Q. At what Time, and where did he receive the Orders on the 1st of *August* for striking Tents, forming the Line, and marching?

A. He received on the 1st of *August*, immediately before he joined Lord *George Sackville*, from Major of Brigade *Stubbs*, an Order for the Army to get under Arms immediately.

Q. Does he remember Lord *George Sackville* being ordered, whilst upon the March, to form into Squadrons, and afterwards into Line?

A. He does.

Q. By whom?

A. Into Squadrons by Major *Esterff*, and into Line by Captain *Malortie*.

Q. Who shewed Lord *George Sackville* the Position which the Cavalry was to remain in?

A. He can't pretend to say where the Cavalry was to remain. Captain *Malortie*, at leaving Lord *George Sackville*, to the best of his Remembrance, said, '*Vous êtes bien icy*,' or something to that Purpose.

Q. Did

Q. Did he observe any Thing in Lord *George Sackville's* Look or Manner of Behaviour, different from usual, during the whole Day?

A. He cannot say he did.

Q. (On the Cross Examination) Whether he informed himself from Major *Stubbs*, how the Order which he received from him came, and at what Time?

A. He does not remember he did, because it was then carrying into Execution.

Q. Was the Order sealed up, or was it an open Order?

A. It had been sealed, but was then open when delivered to him.

Q. What was the March of the Cavalry which he speaks of?

A. They had moved about a hundred Yards, when he joined them.

Q. How far had they marched from the Camp when Captain *Malortie* left them?

A. He believes about three Miles.

Q. Was this the last Position the Cavalry took before they marched on?

A. It was the last Position they took before they received farther Orders.

Q. (By the Court) Did he see any of the other Columns in March before the Cavalry began theirs?

A. The Infantry were breaking into Columns at the Time he passed them in coming up to the Cavalry, just before he joined Lord *George Sackville*.

Q. On which Side of the Debouche into the Plain did Captain *Malortie* form the Cavalry by the Prince's Order?

A. The Cavalry had the Columns of the Right of the Whole; therefore he supposes the Cavalry must have marched through the Debouche upon the Right.

Being desired to explain the Position of the Cavalry,—

A. As he remembers it, when Captain *Malortie* gave Orders for the Cavalry to form in Line, they formed in two Lines as they marched on, because they came into more open Ground.

Q. Was he at Head-quarters that Morning?

A. He was not: He was attached to Lord *George Sackville's* Quarters, as being the Head-quarters of the *British*.

Q. How far were Lord *George's* Quarters from the Head-quarters?

A. It might be, he believes, about two Miles and a Half.

Q. Does

Q. Does he know by whom the Order given him by Major *Stubbs* had been opened.

A. He presumes by Major *Stubbs*.

Q. Had it any Date?

A. It was dated the 1st of *August*, no Hour, as he remembers. The Order was in *French*.

Q. Does he know of any Order being received by Lord *George Sackville* to the same Purport with that he received by Major *Stubbs*, and at what Time?

A. He knows of no such Order being given to Lord *George* that Morning before he left his Quarters.

LIEUTENANT ROBERT BISSET, Assistant Quarter-master General, being sworn, was examined:

Q. What he remembers in regard to Lord *George Sackville's* going to the Line on the 1st of *August*?

A. Between Five and Six in the Morning of the 1st of *August*, hearing a Cannonade; he got up and listened, and, finding it to the Right of the Camp, immediately dressed, and went to Lord *George Sackville's* Quarters, where he found his Servants up and busy in getting Things ready. He asked the Servants, if Lord *George Sackville* had had any Orders; the Answer was, that he had had a Message from the Line; and that he had ordered his Horses to be got ready, and was preparing to go there.—The Deponent ran immediately back to his Quarters, got his Horses, and returned to Lord *George Sackville's*.—He found his Lordship then standing at the Door of his Quarters, and a Groom was leading a Horse out to him: His Lordship mounted, and rode up to the Line, without being accompanied by any of his Aides-de-Camp.

Q. Did he ride with Lord *George Sackville*, or overtake him?

A. He went to his Quarters, after Lord *George Sackville* had mounted, to give some Direction about his Baggage, and overtook his Lordship before he had passed the Front of the *Welch* Fusileers, and accompanied him to the Front of *Bland's*.

Q. Had the Infantry began to march when they passed the Fusileers?

A. No.

Q. Did his Lordship march with the Cavalry, as soon as he arrived at the Head of *Bland's*?

A. He did.

Q. Does he remember his being ordered upon the March to form the Cavalry first into Squadrons, and then into Line?

A. Lord

A. Lord *George Sackville* sent him to know what the Smoke upon the Left was ; and when he returned with his Report, he found the Cavalry formed in Squadron.—In that Order they marched, till they came as far as the Village of *Hartum* : When Lord *George Sackville* received an Order to form the Line, he thinks by *Malortie*.

Q. Had the Cavalry taken that Position before the Infantry began to form ?

A. They had a considerable Time ; which he knew from the following Circumstance.—Capt. *Roy* and the Deponent rode to the Left of the Line of Cavalry, and were proceeding to the Front by the Wind-mill. They were then told by one of the Gunners of the Battery attached to the Picquets, that they could not proceed that Way, as the Enemy were very near. They then turned to the Left, passed the little Wood, that divided the Corn-field from the Heath, and continued, till they passed the Fir-wood ; at which Time they came in View of the Enemy ; and then immediately returned, and, in their Way back, saw the Column of Infantry debouching into the Plain of *Minden*. They rode down, and spoke to Lieut. Col. *Robinson* of *Napier's* : They then immediately came back to the Cavalry, whom they found in the same Situation as they left them.—The Infantry were in Column, not formed.

Q. Did he observe any Thing in Lord *George Sackville's* Look, or Manner of Behaviour, different from what is usual, during that whole Day ?

A. The Order which Lord *George Sackville* gave him, and the Conversations which he had with his Lordship were distinctly given, and the same as at any other Time. Nothing appeared to him different in Looks, or Manner, from what is usual.

Q. Was he not with Lord *George Sackville* the greatest Part of the Day ?

A. He was.

Q. (By the Court.) What Distance was the Front of the *Welch* Fuzileers from the Cavalry ?

A. It was about six or seven hundred Yards from the Right of the Fuzileers to the Right of *Bland's*.

Being desired to describe the Ground upon which the Cavalry was drawn up by Capt. *Malortie's* Order,

A. The Right of the Cavalry were to an Inclosure a little in Front of the Village of *Hartum*, and their Left to the Wood, which divided the Corn-ground from the Heath : But Lord *George* advanced a little from that Position, till he passed

passed that Enclosure ; and then extended more to the Right. —In the Front was the Wind-mill, and open Corn fields between the Wind-mill and the Line of Cavalry.

Being desired to give an Account of the Ground from that Position of the Cavalry to the Ground upon which he saw the Enemy,—

A. From the Left of the Cavalry to the Heath there was a Wood of about three or four hundred Yards.—From thence to the Ground, where he came in View of the Enemy, was level open Ground, only a gentle Rise towards the Fir-wood, insomuch that it intercepted the View of the Enemy, till they had come to the Wood. From thence to the Enemy's Infantry was open Corn-field ; (but some close Ground about the Wind-mill ;) and a Heath from the Fir-wood to the Enemy's Cavalry.

Q. How far did the Cavalry move from the Position where *Malortie* had first formed them ?

A. About thirty Yards, as he judges.

Q. Does he know of any Party detached from the Body of Cavalry to reconnoitre the Wood ?

A. He does not.

Q. What does he take to have been the Distance from the Enemy to the Ground where the Cavalry was drawn up ?

A. Above an *English* Mile ; it might be about a Mile and half the Way he went :—If they had gone strait on by the Wind-mill, it was much nearer ;—about 1200, or 1400 Yards.

Q. Was the Enemy advancing ?

A. No ; they were formed in Line, and halted.

Q. Did he make any Report to Lord *George Sackville* of what he had seen of the Enemy ?

A. He does not remember he did.

LIEUTENANT JAMES SUTHERLAND, *Fourrier de la Cour*, being sworn, was examined.

Q. Does he remember going with Lord *George Sackville* from the Picquets to the Head-quarters on the 31st of July ?

A. Yes.

Q. Does he remember his Lordship's sending any Person, in his Way to the Head-quarters, and whom, to reconnoitre the Ground that Evening, upon his accidentally hearing that an Order for that Purpose was come out ?

A. He does ; he sent Lieut. Col. *Watson* and Capt. *Smith*.

Q. How long did Lord *George Sackville* stay with the Prince in making his Report ?

A. About

A. About Half an Hour.

Q. What Time did he return to his Quarters?

A. It was after Seven o'Clock in the Evening.

Q. When, and where, did he join Lord *George Sackville* on the 1st of *August* in the Morning?

A. On his March at the Head of the Line of Cavalry: he thinks, from the Ground of the Encampment about a Quarter of a Mile.

Q. Does he remember Lord *George Sackville's* being ordered to form upon the March, first in Squadron; and afterwards in Line?

A. He does; first into Squadron; and, after marching some Time in Squadron, they formed the Line.

Q. Who was the Guide to that Column?

A. One *Mayer*, senior, an established Guide.

Q. To what Point was he to have led them, had they not been ordered to take a Position short of their intended Destination?

A. To a Windmill, upon a rising Ground, near to the Village of *Halen*.

Q. What passed between Lord *George Sackville* and him upon that Subject?

A. When his Lordship was marching in Squadron, he found Fault with the Guide for keeping too much upon the high Road; and desired the Deponent to go and ask what he meant by it?—The Guide's Answer was, that they were marching over a Friend's Country, and that he wanted to protect the Corn-Fields; but that he would lead his Lordship to the Windmill near the Village of *Halen*, where he had Orders to lead them, and no farther.

Q. How far was the Cavalry from that Windmill, when it drew up?

A. He cannot say the exact number of hundred Yards; but it was very few.

Q. How was the Country beyond the Windmill?

A. It appeared to him to be a very plain open Country: there were Corn-Fields beyond the Windmill.

Q. Was he generally with Lord *George Sackville* that Day?

A. He was.

Q. Did he observe any Thing different in his Lordship's Look, or Manner of Behaviour, from what they were on other Days?

A. Indeed, he did not.

CAPTAIN JOHN SMITH, late Aide-de-Camp to Lord George Sackville, was sworn, and examined.

Q. Did he go to the advanced Picquets with Lord George Sackville on the 30th of July last?

A. He did.

Q. Did they go through any of the Debouches made from the Camp towards the Plains of Minden?

A. Yes.

Q. Did he reconnoitre the Country, as far as he could, consistent with his Duty in attending the Picquets?

A. He remembers he went beyond the Videts of the Cavalry, as far as to the Hussars, who were beyond them.

Q. Does he remember, on the 31st of July, his Lordship sending him, or any other Person, to reconnoitre with the Guide, the Routes and Debouches towards the Plains of Minden, as he was going to the Head-Quarters to report?

A. Lieutenant Colonel Watson and the Deponent went with the Guide: his Lordship sent him from the Village of Hille, as he was going to make his Report to the Prince.

Q. What Object did the Guide shew him, as the Destination of the Cavalry?

A. He shewed him a Windmill: he told him, they were to march by that, and leave it upon the Left: The Windmill was near to the Village of Halen and Hartum.

Q. At what Time, and where, did the Deponent join Lord George Sackville on the first of August in the Morning?

A. It was very near six; he found his Lordship upon his March from the Camp.

Q. Did he see any other General Officer there?

A. No.

Q. Does he know, whether the Column of Cavalry of the right Wing marched from the Camp, as soon as the Columns of Infantry?

A. He followed his Lordship as fast as he could from his Quarters, and came up to the Line of Infantry first: he spoke with General Sporcken, who had just then begun his March, and he told him Lord George was gone on to the Cavalry.

Being desired to relate in what Manner his Lordship led that Column, and all that he knows relative to the March,

A. They

A. They had not marched far from the Camp, till he saw (he thinks it was) Major *Estorff*, who brought Orders to form in Squadron;—when five or six were formed, Lord *George Sackville* put them in motion. It was a little rising Ground, so he stood still to see what effect that would have on the Rear; and seeing them begin to trot pretty briskly, went to the Front, and told his Lordship they were rather in a Hurry, and begged him to halt; he did so, and desired him to go to the same Place again, and acquaint him when they were formed.—The Deponent had been there very little while, when he began to move again; he was surpris'd at that; and seeing an *Hanoverian* Officer coming up towards him, he went up to the Officer, who told the Deponent, he was going to beg, they would move slower in the Front: that the Cavalry was going very fast in the Rear, and would be blown.——The Deponent acquainted Lord *George* with this, who answer'd he would halt no more; and desired him to acquaint them he would move slow in the Front, and that they would easily overtake him, when once they were formed; and desired him to tell them not to hurry themselves.——Soon after this the Deponent saw Mr. *Malortie*; he brought Orders to form a Line, and march'd with Lord *George Sackville* (they were conversing together) and he saw him point, and tell Lord *George* to halt there, to wait for farther Orders.——The Deponent saw the Ground was too narrow for their Line; he went into the Front a good Way, and reported to Lord *George Sackville*, that the Ground was wider to the Right, if he would advance a little; his Lordship did so directly; *Bland's* inclin'd to the Right, and it did very well.

Q. Did he observe any thing in Lord *George Sackville's* Look, Manner, or Behaviour, different from what they were at any other Time, during the whole Course of that Day?

A. No, indeed: He thinks he would have gone to Death that Day, had it been necessary.

Q. (By the Court) How far did Lord *George Sackville* go himself into the Plain of *Minden* to reconnoitre?

A. It is rather difficult to name a particular Place; he remembers, he went to the extreme of our Posts, to a Piece of Ground, which was open and rising, and look'd all around. There he heard some Persons tell his Lordship, that an Officer of Count *Buckebourg's* Troops was that Afternoon taken in a Village, to which he pointed forwards.

Q. Was it near the Windmill of *Halen*, or beyond the first Wood, which the Cavalry formed behind?

A. He could see a great deal beyond both, a vast Way out upon the Plain.

Q. Does he know who was the *Hanoverian* Officer mentioned in his Evidence?

A. He was a Major of a Regiment; the Deponent knew him, and that made him speak to him.

Q. After the Cavalry of the Right Wing had taken their first Position, was he, or any of Lord *George Sackville's* Aide-de-Camps, sent to reconnoitre the Wood, or the Country beyond it?

A. Not that he knows of, while they were there.

CAPTAIN RICHARD LLOYD, late Aide-de-Camp to Lord *George Sackville*, was sworn and examined.

Q. When did he join Lord *George Sackville*, the first of *August* last in the morning?

A. Just as the Cavalry began their March from the Camp.

Q. Was there any other General Officer with him?

A. He did not see any other.

Q. Where did Lord *George Sackville* send him, and what Orders did he give him?

A. He sent him back to the Village where his Lordship was quartered, to order his Servants and Horses to follow him; and to tell any of the general Officers whom he should happen to meet, the Line had begun its March.

Q. Did he meet any of the Generals?

A. He met General *Elliot* at the Entrance of the Village.

Q. Does he remember the Cavalry forming in Squadron, and afterwards in Line?

A. He does.

Q. Did he observe any thing in Lord *George Sackville's* Looks, Manner or Behaviour, different from what they were at other Times, during the whole Course of that Day?

A. Not in the least.

LIEUTENANT COLONEL GEORGE PRESTON, of the Royal Regiment of *North British* Dragoons, was sworn, and examined.

Q. Did he receive Orders the 31st of *July* last, for Saddling at One the next Morning?

A. Yes.

A. Yes.

Q. Was that Order executed?

A. It was, by the Regiment he commanded; and, he believes, by the whole.

Q. Who brought him an Order, and at what Time, to strike Tents, and form?

A. It was brought by an orderly Man (he can't say of what Regiment) between Four and Five.

Q. Who sent the Man?

A. The Major of Brigade, *Stubbs*.

Q. How long were they formed before the Cavalry marched?

A. He really can't be positive: he went up to the Front, and finding them not marched, went back to give some Orders about his Baggage; he returned to the Front, and very soon after that saw the front Line move.

Q. Did he see, or speak to Lord *George Sackville*, in the Course of that Day?

A. Yes.

Q. Did he observe any Thing in his Looks, Manner or Behaviour, different from what they were on any other Day?

A. No, really, he did not observe any Alteration.

ADJOURNED till *Monday Morning*
at Ten o'Clock.

MONDAY 17th MARCH 1760.

The COURT being met pursuant to ADJOURNMENT,

CAPTAIN GRIFFITH WILLIAMS, of the Royal Regiment of Artillery, was sworn and examined,

Q. AT what Time did the *British* Artillery march from the Camp the 1st of *August* last?

A. Something after Six o'clock.

Q. Who was the commanding Officer in Camp, when the Artillery was put in Motion?

A. He believes it was Captain *Macbean*; but Captain *Philips* arrived before they went off the Ground.

Q. Does he know, whether the Artillery had any Orders for their marching at that Time?

A. He

A. He does not know they had; Captain *Macbean* can best inform the Court of that.

Q. Was he sent to Lord *George Sackville* with any, and what Message from Captain *Philips* during the March?

A. To the best of his Knowledge he was sent by Captain *Philips*, to see if he could find Lord *George Sackville*, or any other General Officer, who could tell him of any extraordinary Orders relative to them, as they were at a Loss for Orders.—He then rode off, and the first General Officer he met, was General *Elliot*; he asked him, if he knew any Orders relative to them; who told him, he did not; but that he would send an Aide-de-camp to Lord *George Sackville*. The Deponent begged to know where Lord *George Sackville* was; General *Elliot* told him, in the Front of the first Line: Upon which he said, he believed he could be there sooner than the Aide-de-camp. He then rode up to Lord *George Sackville*, who, before he had Time to speak to his Lordship, asked him, what he wanted: He told his Lordship, that Captain *Philips* had marched from the Ground with our heavy Brigade of Artillery, and had sent him to his Lordship to know if he had any extraordinary Orders for them. His Lordship, he thinks, seemed surprized at their not having received any Orders, and therefore ordered him back to hasten Captain *Philips* up as soon as possible; He was sensible that Captain *Philips* would not want to be hurried up; therefore rode off to the Front, to reconnoitre the Ground there.—(He believes Lord *George Sackville* thought he was gone back to Captain *Philips*.)—He passed by Captain *Foy*, who was with the light Brigade of Artillery; he asked him some Questions, (he believes, tending to know the Situation of the Enemy) Captain *Foy* made him little or no Answer; but, as he was very well acquainted with the Situation of the Ground there, and seeing the Direction of the Enemy's Cannon-shot, he rode back as fast as he could to Captain *Philips*; informed him, what had passed between him and Lord *George Sackville*, as also what he had done: then returned with the Artillery.

Q. Did Lord *George Sackville* say any Thing more, or give any other Orders, than bidding Captain *Philips* advance?

A. To the best of his Knowledge his Expressions were these: 'We shall find something for you to do in the Front.'

Q. Did

Q. Did they advance as fast as possible?

A. He thinks they did.

Q. Which Way did they advance to the Front?

A. They marched pretty near in a direct Line, as far as the Wood; and he thinks, in the same road the *Hanoverian* Artillery marched, and thro' the Intervals of the Cavalry of the Right.

Q. Did they pass thro' both Lines?

A. They did.

Q. When they had passed the Front Line of Cavalry, which Way did they then go?

A. He believes they marched strait on for 100 Yards, and then turned to the Left, and went thro' a Wood: After they got thro' the Wood, inclined a little to the Right, and near the Wood *unlimbered*; and loaded their Guns as soon as they could, and fired upon the Enemy.

Q. Is he particularly acquainted with the Wood, and the Ground about it?

A. He thinks he has a perfect Idea of it.

Q. Had he frequently reconnoitred that Ground, and about it?

A. Yes.

Q. What Sort of a Wood was it, which was to the Left of the Cavalry, and towards the Front of the Cavalry?

A. Thick tall Trees; so that it was with some Difficulty they got thro' the Cannon.

Q. Did they march more than one Carriage abreast?

A. He believes not.

Q. Does he imagine, that Cavalry could march thro' it without breaking?

A. He is not a Judge of what Cavalry might do: but he thinks, they could not have marched above three or four Horses abreast.

Q. Has he ever seen a Survey of that Ground?

A. He has.

Q. Where did he see it?

A. Count *la Lippe Buckebourg* gave it him.

Q. Does that Survey answer his own Observation?

A. It does, the best of any which he has seen.

Q. Does it lay down the Wood as he has described it?

A. He thinks it does, only upon a smaller Scale.

Q. What did he observe, upon his first getting out of the Wood?

A. He

A. He thinks, it was their Infantry to the Left of them upon the Heath, and to the best of his Knowledge, the *French* Cavalry marching up to charge them.

Q. How long was it after they got upon the Heath, before they opened the first *English* Battery?

A. He believes, they began to fire about half an Hour after they passed thro' the Cavalry.

Q. Upon what did their Battery first open?

A. He can only answer for the four Guns, which he commanded: They fired a few Shot, he thinks, first upon the Cavalry of the Enemy; and then turned them upon a *French* Battery, which fired at them: and when that Battery was silenced, turned the Fire upon the Cavalry and Infantry of the Enemy.

Q. How long was it before they silenced the Enemy's Battery?

A. He can't exactly say, but he believes, it was silenced in about ten Minutes.

Q. Did they afterwards advance?

A. When they found the Enemy retreat, they did.

Q. What Time of the Day did the Enemy retreat?

A. To the best of his Knowledge, about Twenty Minutes after Eight.

Q. How far did they afterwards advance?

A. They advanced with the whole, which were ten *Medium* Twelve Pounders, to the Edge of the Marsh, or rather Meadow. Two of the four Guns, which he commanded, went about 50, or 100 Yards into the Meadow; they were ordered to cease firing, and those Guns were brought back to the Edge of the Marsh.

Q. Who ordered them to halt there?

A. He can't justly say, but he was told, they were Duke Ferdinand's Orders.

Q. From his Knowledge of the Ground, was it nearest for the Cavalry, from the Position he saw them in, to have joined the Enemy, by advancing by the Windmill, or by going through the Wood by the Left?

The Witness desiring leave to refer to the Survey to refresh his Memory, he was asked,

Q. Whether he was acquainted with the whole of the Wood, or had reconnoitred it?

A. He had reconnoitred it, and is acquainted with the whole.

Q. Does the Survey agree with his Idea of the whole of the Wood?

A. It

A. It does.

Then (referring to the Survey) he answered to the former Question, that he is not certain of the Position of the Enemy ; but, as they were obliged to retreat by *Minden*, it appears to him nearest to have advanced by the Windmill.

Q. Did he observe any Thing in Lord *George Sackville's* Look, or Manner of Behaviour, different from what he observed upon any other Day ?

A. He neither did, nor suspected it, as he received his Orders very distinct from his Lordship.

The Witness was then cross-examined, Whether he received Orders at any other Time from Lord *George Sackville* that Day ?

A. No.

Q. Had he any other Conversation with Lord *George Sackville* that Day ?

A. Not any.

Q. Did he perceive any Effect upon the Enemy's Cavalry from the few Shot fired upon them at the Beginning ?

A. He believes they took place, as he pointed them mostly himself : But he did not observe any Thing remarkable.

Q. (By the Court) Was it nearer to go by the Windmill to that Part of the Enemy upon which he fired, than through the Wood ?

A. He does not know through what Part of the Wood the Cavalry went ; and every Moment of Time that Troops are in Motion, they alter their Situation.

Q. From the Situation of the Cavalry, when he passed through the two Lines, was it nearer for the Cavalry to have gone by the Windmill to the Enemy they first fired upon, or to have marched by the Left through the Wood ?

A. He knows of no Road through the Wood, nor does he know which Way the Cavalry passed ; he is no Judge of the Motions or March of Cavalry ; but upon a single Horse he thinks he should have gone the Road the Artillery went, a little to the Left of the Windmill, which he takes to be the shortest Way.

Q. Who gave Orders for the drawing up the Artillery, and firing upon the Enemy ?

A. He is not certain, but believes it was Captain *Philips*.

Q. How far was it from the Position the Cavalry was in, when he passed them, to the Spot where they unlimbered ?

L

A. From

A. From the Left of the Cavalry he believes might be about 500 or 600 Yards.

Q. How far was it from the Ground where he unlimbered to the Enemy's Cavalry, which he fired upon?

A. He can't possibly speak with certainty; but he thinks, about nine hundred or a thousand Yards.

Q. How near was the Enemy's Cavalry to our Infantry at the Time of his firing upon them?

A. He can't give any kind of Guess, as the *French* Battery engaged all his Attention.

Q. How long was it from the Time of his passing through the Cavalry, to his seeing them again upon the Plains of *Minden*?

A. As the Enemy retreated, they with the Artillery advanced, and fired when they had an Opportunity; and he does not remember that he ever looked back till they had ceased firing; then he thinks the Cavalry was in the Rear of the Infantry, both which were, as he judges, about 400 or 500 Yards behind the Artillery; but is not certain.

Q. What Sort of Ground was it after he passed through the Wood?

A. When he first came out of the Wood, he thinks there was a small Field of Corn: To their Left was the Heath.

Q. Did they then march with more than one Gun in Front?

A. No: There were Troops and Baggage to the Left, which he believed to be the *Hanoverian* Ammunition Waggons, which even prevented their own Ammunition Waggons coming up abreast.

Q. Did he ever upon a March advance with more than one Gun in Front?

A. It is a Rule with them, when the Ground will admit of it, in order to shorten the Line of March, to march two, three, four, five, six, seven, eight, nine, or ten abreast.

Q. Does he know who gave the Orders for the Artillery to march to the Heath?

A. When he came back to Captain *Philips*, he told him, that Captain *Foy* was warmly engaged (or to that effect) with a *French* Battery, cannonading: Captain *Philips* said he would go and relieve him; the Deponent made answer, they could be of no Service there, as they could not see the Enemy, nor the Enemy see them: But told him (to the best of his best Remembrance) they had best go to the Left, which

which Captain *Philips* agreed to : and a little before they entered the Wood, they met Prince *Ferdinand* and the Duke of *Richmond* ; the Duke of *Richmond* rode up to them, and informed them that it was the Prince's Order they should go there, pointing to the Wood, which was become on their Right, and fire upon the Enemy as fast as they could. The Deponent, he thinks, then said, it was impossible to go in there, which, he thinks, Captain *Philips* and Captain *Macbean* agreed to, and they marched on, inclining to the Left, till they came out of the Wood, without any other Orders that he knows of.

Q. Did he ever march with ten Cannon abreast, and where ?

A. He is not certain to the Number of *Ten* ; but he believes he has, and thinks that Day, when the *French* retreated, they endeavoured to march them abreast in the Pursuit.

Q. From his own Knowledge, what is the greatest Number of Cannon he ever marched with abreast ; their Calibre ; by whom commanded ; and where ?—This to be understood, where likely to be attacked.—

A. When he commanded a Brigade of Artillery under the Hereditary Prince, where they expected the Enemy every Hour, he marched them to the Number of Six or Eight he believes ; the Calibre, he thinks, were Six and Twelve Pounders ;——and Captain *Philips* and Captain *Macbean* have made use of the same Method, when they commanded.

Q. At the Time mentioned, did they advance with six Pieces of Cannon abreast, ready formed, or did they form them into Six upon the March ?

A. They were marching singly, and upon the March they doubled up to Six in Front.

Q. How far did they march with six Cannon in Front ?

A. It is impossible for him to ascertain the Distance.

Q. Did he serve the last War in *Flanders* ?

A. He did not ; but was in *Germany* in the Year 1743, and was frequently with the Army.

CAPTAIN FORBES MACBEAN, of the Royal Regiment of Artillery, was sworn, and examined.

Q. Did he give the Orders for the March of the *British* Artillery on the 1st of *August* from the Camp ?

A. He did,

Q. Had he any Orders for so doing?

A. There were no direct Orders from H. S. H. came that Morning.

Q. Does he remember any Body, and whom, being sent to Lord *George Sackville* during the March from Captain *Philips*, in relation to the Artillery?

A. Yes; he was not present; but Captain *Philips* told him presently after, that he had sent Captain *Williams* to Lord *George Sackville* at the Head of the Cavalry.

Q. Does he know what Answer he brought?

A. No.

Q. Did he advance as fast as possible afterwards?

A. Yes.

Q. Did they pass through the Lines of Cavalry?

A. To the best of his Remembrance they did.

Q. When they had passed the front Line of Cavalry, how did they get into the Plain?

A. They advanced a little towards the Left, where they heard the greatest Cannonade.

Q. Did they go through a Wood?

A. Yes.

Q. Was there a Road, or Track through it?

A. Yes; to the best of his Knowledge a Track made by the *Hanoverian* Artillery, which went before.

Q. Has he any Plan, or Survey of the Wood?

A. No.

Q. Has he seen any which he takes to be accurate?

A. Yes.

Q. In whose Hands.

A. In Captain *Williams*'s.

Q. What did he observe upon first getting out of the Wood?

A. He observed a little advanced to their Left, a Body of Troops closely engaged; and a Battery of the Enemy in their Front.

Q. When did they open the *English* Battery he commanded?

A. He cannot recollect the Time.

Q. Did they open it as soon as they could unlimber?

A. Yes.

Q. Upon what did that Battery play?

A. It played upon a Battery which was opposed to them in their Front.

Q. How soon did it silence that of the Enemy?

A. To

A. To the best of his Remembrance, in about five Minutes Time.

Q. Upon what Part of the Enemy's Army was their Fire directed, after silencing that Battery?

A. Upon a Body of Cavalry.

Q. How soon did they advance after silencing that Battery?

A. He cannot say the exact Time; but, when they found the Enemy's Battery was silenced, they advanced.

Q. How far did they advance afterwards in the Course of the Day?

A. Whilst they kept advancing, the first Body of Troops, which they discovered, as a proper Object, were two large Columns of Infantry; they immediately unlimbered, and began playing upon them. The Troops very soon broke, and disappeared. The Witness was afterwards told they were *Saxon Troops*.—They then still advanced nearer to *Minden*, till they were fired upon from the Ramparts, after having played for some Time upon the Rear Guard of the *French Army*.

Q. Who ordered them to halt?

A. H. S. H. the Duke.

Q. Did any, and what Troops, support their Battery?

A. There were no Troops near them: there was a Regiment allotted for the Service of the Artillery; but upon their first coming into the Field, and unlimbering, he presumes they were otherwise disposed of. The Regiment gave them twenty Men to assist them, and they saw no more of the Regiment.

Q. What Regiment was it?

A. It was a Regiment of *Saxe-Gotha*.

Q. Did Captain *Philips* send him to apply to any Person, and to whom, for supporting the Artillery?

A. Yes; he sent him to apply to any General Officer at the nearest Part of the Line.

Q. To whom did he apply, and what passed?

A. He found Major General *Scheele* of the *Hanoverian Troops*, who commanded a Brigade a little in the Rear, and acquainted him, that he was sent by Captain *Philips* to inform him, they were advancing to fire upon the Enemy wherever they saw them; and, as his Brigade was the nearest Troops to them, to desire he would support them: his Answer was, that he had Orders from H. S. H. to remain there; and not to expose his Brigade to the Cannon of *Minden*, towards which Place they were then advancing to fire upon the scattered

scattered Remains of the *French* Troops. The General at the same Time desired he would acquaint Captain *Philips* of it, that he might not expose himself to the Fire of the Town.

Q. Did he go by Daybreak next Morning towards *Minden*?

A. He went, to the best of his Remembrance, between Four and Five o'Clock.

Q. Whom did he meet coming out of the Town?

A. He met a *French* Officer accompanied with a Trumpet.

Q. Who was that Officer?

A. He informed the Deponent he was Aide de-camp to the Quarter-Master General of the *French* Army.

Q. What did he shew and describe to him coming along?

A. He gave him a general Account of the Order and Disposition for the Battle by Marshal *Contades*; the Particulars of which he cannot remember; only, that he was sent by Marshal *Contades* to conduct the Duke of *Broglio* to his Post; that the whole *French* Army had Orders to be upon the Ground assigned them at Midnight; and that the Right of the *French* Army was to be near to a red House, which he then shewed him, and to the best of his Memory said they were upon the Ground at Midnight.

Q. With regard to the Plan, or Survey of the Wood, mentioned in his Evidence, does he mean the Accuracy of the Plan to relate to the Part of the Wood they marched through, or is he sufficiently acquainted with the whole Wood, to speak of the Accuracy of the Plan in all its Parts?

A. He only means the Part of the Wood through which they marched.

Q. What Body of Troops does he speak of, as having observed them upon first coming out of the Wood?

A. He believes they were the *French* Cavalry engaged with the *British* Infantry.

Being desired (by the Court) to describe the Part of the Wood he marched through, and the other Parts of the Wood, which he observed in marching through,—

A. He has but a very feint Idea of the Wood in general; but that Part, which they marched through, was thick enough to prevent their marching with the Artillery to the Spot proposed; therefore they were obliged to follow the Track, which the *Hanoverian* Artillery had made before

fore them, and thereby obliged to make a little Détour to the Left.

Q. Does he think that was the thickest Part of the Wood where they marched?

A. He cannot tell; he has already mentioned, that he had but a feint Idea of the Wood in general.

Q. Did they march more than one Cannon in Front through the Wood?

A. No.

Q. When they came out of the Wood upon the Plain, did they double up with any of the Cannon?

A. Yes; they drew them up in Line.

Q. How many in Line?

A. Ten Guns.

Q. Did they then advance with the ten Guns in Front?

A. No;—but afterwards recollected, that for a very small Distance they did advance ten Guns in Front.

Q. In marching up to an Enemy with one Gun in Front, what is the greatest Number that he has seen them doubled up to keep advancing with? of what Calibre? where? and by whom commanded?

A. They never march with more than one Gun in Front, and as soon as they come within Sight of the Enemy, they draw all the Guns they have, or as many as the Ground will admit of, in Line. The largest Brigade he ever belonged to (in Action) was this of the 1st of August: The Guns were of twelve pound Calibre. It was the Deponent's Brigade, but as Captain *Philips* was the senior Officer, he commanded upon that Occasion. They did not all march forward in Line,—(except the small Distance before mentioned)—That cannot be done with heavy Guns, but it is usual with light Guns.

Q. Did he ever know of six twelve Pounders marching in Front, and advancing?

A. He cannot say he has.

Q. How many Horses had they to each Gun?

A. Five, as he remembers;—but upon the Deposition being afterwards read to him, he informed the Court, that he had been mistaken; they had seven Horses to each Gun.

Q. Did the *British* Artillery lead a Column?

A. No.

Q. To what Column did it belong?

A. The

A. The heavy Artillery of the Right of the Army formed a Column by themselves.

Q. In other Marches did the *British* Artillery always follow the heavy Artillery of the Right, unless particularly ordered to the contrary?

A. In general, when the Army marched to the Right, the *British* heavy Brigade led the Column: But when the Army marched to the Left, it brought up the Rear.

Q. Where was the Guide that Day; at the Head of the *Hanoverian* or *British* Artillery?

A. He presumes he was at the Head of the *Hanoverian* Artillery; for they saw nothing of him.

Q. Was there a Guide always at the Head of the *British* Artillery when they led the Column?

A. Yes.

Q. How near was the Right Wing of the Cavalry to the Body of Troops which he saw engaged?

A. He cannot tell; for the Wood intercepted the View of them.

Q. How far was it from the Wood to the Place where they first unlimbered?

A. They were then just before the Wood.

Q. How far was it from the Spot of Ground to the Ground he saw the *British* Infantry engaged upon?

A. The Distance, to the best of his Remembrance, was between 800 and 1000 Yards.

Q. Did he see the two Lines of Cavalry of the right Wing form?

A. In marching up to the Field of Battle, he remembers passing through the Intervals of the Cavalry of the right Wing; but whether they were at that Time drawn up in one or two Lines, he cannot recollect.

Q. Did he see them drawn up and halted at that Time?

A. They were halted when he passed through them.

Q. What was the Distance from the Place where he saw the Cavalry drawn up, to the Wood upon the Left?

A. He cannot remember.

Q. Did they not march through the Cavalry, and go to that Wood?

A. Yes.

Q. Was there any Thing particular which may have hindered his knowing that Distance?

A. Nothing that he remembers.

Q. Was

Q. Was there any thing which more particularly pointed out the Distance from the Place where they first unlimbered, and where they saw the Troops engaged, than from the Spot where the Cavalry were formed to the Wood?

A. Yes; there being the Enemy, which alone they looked for.

Q. Whether judging of Distance is not a Thing of the greatest use to People concerned in the Artillery, and what they greatly study to make themselves Masters of?

A. Yes, of very great use. In the Field they make no use of Instruments to ascertain the Distance; and only judge by the Eye.

ADJOURNED till to-morrow Morning
at Ten o'Clock.

TUESDAY 18th MARCH 1760.

THE COURT being met pursuant to Adjournment,

LIEUTENANT COLONEL HOTHAM, Adjutant-General, was again examined.

Q. DOES he remember Captain *Wintzingerode* coming to Lord *George Sackville*?

A. He does.

Q. In what Manner did he come?

A. Upon the Gallop.

Q. What Orders did he deliver?

A. The Order he delivered, as the Deponent understood it, was, that the Cavalry should form one Line, as a third Line to sustain the Infantry, and advance.

Q. What did he understand by advancing?

A. As he could not then know the Position of the Infantry, he could give no other Interpretation to the Word, than the obvious Meaning of it, "to move forward."

Q. Did Lord *George Sackville* make Captain *Wintzingerode* repeat his Order?

A. He did.

Q. Did he explain it in any other Manner, than by repeating his Order?

A. He did not hear him explain it.

M

Q. In

Q. In what Language did he speak?

A. He thinks in *French*.

Q. Did he hear him speak to Captain *Hugo* in *German*?

A. He did not.

Q. Did he hear or see Lord *George Sackville* speak to Lieutenant Colonel *Sloper*, or Lieutenant Colonel *Sloper* speak to him?

A. Not that he remembers.

Q. Does he remember Captain *Ligonier*'s coming to Lord *George Sackville* soon after?

A. He does.

Q. How soon, in his Opinion?

A. He should suppose from five to ten Minutes.

Q. (On the cross Examination) How long had the Cavalry been formed, before Captain *Wintzingerode* came?

A. He cannot be precise as to the Time; but supposes, it may have been about Half an Hour.

Q. In what Manner did he understand Captain *Wintzingerode*'s Order?

A. The Order itself, if he understood it right, seems to him to answer that Question—' That the Cavalry should form in one Line, as a third Line to sustain the Infantry, and advance.'

Q. Did he understand from thence that the first Movement they were to make was to form in one Line?

A. Certainly.

Q. Did their advancing in one Line, from the then Situation of the Cavalry, seem practicable?

A. It rather appears to him, they could not, from that Spot, without the Wood intersecting.

Q. Did their advancing so, as to sustain the Infantry, in one Line, seem practicable?

A. He can be no Judge of that; as he has just said, he did not then know the Position of the Infantry.

Being desired to describe the Situation of the Cavalry at the Time,—

A. As far as he recollects of it, the Village of *Halen* was on the Right, and the Left of the Lines extended towards a Wood; he recollects nothing particular in their Front; it seemed to him to be open Ground.

Q. Did the Cavalry afterwards advance in one Line, from the Ground where so formed?

A. Where they precisely formed into one Line he cannot say, as he was not with the first Line at that Time; but that they were afterwards formed in one Line is certain.

Q. Does

Q. Does he know of the Cavalry of the right Wing advancing in one Line, or being formed into one Line, before they passed the Wood?

A. Not that he knows of, whilst they were in the Right of the Wood.

Q. Does he know, whether Lord *George Sackville* knew the Position of the Infantry, at the Time Captain *Wintzingerode* came?

A. It is quite impossible for him to say whether he did or not.

Q. Did Lord *George Sackville* ask Captain *Wintzingerode* any thing relative to the Position of the Infantry?

A. Not that he heard.

Q. Did he hear the whole of what passed between Lord *George Sackville* and Captain *Wintzingerode*?

A. He does not recollect to have heard any Thing pass between them, but what he has recited.

Q. Does he apprehend more might have passed, and he not have heard it?

A. It might undoubtedly, but he did not hear it.

Q. How long does he think Captain *Wintzingerode* staid with Lord *George Sackville*?

A. It appeared to him a very short Time.

Q. Does he remember any Mention made by either Lord *George Sackville*, or Captain *Wintzingerode*, of the Trees, or Wood on the Left?

A. He has just said, he remembers no Conversation between them, but what he has recited.

Q. Does he remember either of them to have pointed towards the Trees on the Left?

A. He remembers Captain *Wintzingerode* had his Sword drawn in his Hand, when he came, but does not remember his pointing with it one Way or another.

Q. Did he hear Captain *Wintzingerode*, during the Time he was with Lord *George Sackville*, make use of *English* at any Time?

A. He does not remember he did.

Q. Might Conversation have passed between Lord *George Sackville* and Lieutenant Colonel *Sloper*, and he not have heard it?

A. Possibly there might.

Q. Was Lord *George Sackville* near to Lieutenant Colonel *Sloper*?

A. He cannot say he recollects Lieutenant Colonel *Sloper* at all at that Instant:—But, as he thinks it was at the Head

of Bland's Captain *Wintzengerode* delivered his Order, he might be there, tho' he did not observe it.

Q. Did he remain with Lord *George Sackville* from that Time, till Captain *Ligonier's* Arrival?

A. He remained with the Front Line; but whether he was close to Lord *George* the whole Time, or not, he does not recollect.

Q. Can he recollect, whether Lord *George Sackville* remained in the same Place during that Time?

A. Lord *George Sackville*, he thinks, remained with the front Line during that Time; but he will not take upon him to say at the individual Spot.

Q. Did he hear, or observe, Lieutenant Colonel *Sloper* speak to Lord *George Sackville* after *Wintzingerode* went away?

A. He does not recollect it.

Q. Does he apprehend he might have done it, and he not have observed it?

A. He might; he cannot say he could not.

Q. Did any Circumstances intervene between the going of Captain *Wintzingerode* and the coming of Captain *Ligonier*, which might enable him to form a Judgment with more Precision of the Distance of Time, than he otherwise might have done?

A. No, not that he knows of; he speaks to that Point of Time purely from Opinion.

Q. Whether he knows of any, and what Steps taken by Lord *George Sackville*, in Consequence of Captain *Wintzingerode's* Order, as he understood it?

A. He does not know what Measures Lord *George Sackville* took, in consequence of that Order.

Q. Did the Guide remain with the Cavalry, after Captain *Malortie* left them?

A. He does not remember to have seen him, after Captain *Malortie* had left Lord *George Sackville*.

Q. Does he recollect any Person's being sent into the Wood by Lord *George Sackville* to reconnoitre, and see where the Cavalry could pass?

A. He does not.

Q. Does he recollect what other Persons were present, or within hearing, when Captain *Wintzingerode* delivered his Order to Lord *George Sackville*?

A. Some of Lord *George Sackville's* Aides-de-Camp, he thinks, were present; but personally he does not recollect.

Q. Upon

Q. Upon what was the Opinion grounded, that the *British* Troops were to have marched to the Right on the 31st of *July*, as mentioned in his former Evidence?

A. His Answer to that Question of Lord *George Sackville's*, if he remembers right, is, it was *supposed* they were to have marched to the Right—he mentioned it only as a Supposition, and mere Matter of Opinion; but he does not know there was any positive Foundation for it, as no Body, he presumes, but H. S. H. himself knew his particular Reasons for giving the Order of the 31st of *July* in the Morning.

Q. (By the Court) From whom did the Witness receive that Order of the 31st of *July* in the Morning?

A. All Orders came to him from the Adjutant General of the Army.

Q. Did he carry those Orders to Lord *George Sackville*?

A. He acquainted his Lordship with them, by one, he thinks, of his Aides-de-camp.

Q. (In regard it has been asked, whether he was desired to acquaint Lord *George Sackville* with those Orders) Was he desired *not* to acquaint Lord *George Sackville* with them?

A. When he received those Orders, he represented, that Lord *George Sackville* being then on Duty, as Lieutenant General of the Day, and advanced with the Picquets, he did presume he should be relieved: The Adjutant General said, that, if the Corps was to march, he undoubtedly would be relieved; but for the present it was not necessary, as this was only an Order to be in Readiness; and his Duty as Lieutenant General of the Day for the Army, naturally took Place of that Duty: That therefore it would be time enough to acquaint Lord *George* of it, if the Order came to march; However he did acquaint Lord *George* of it, and told the Adjutant General he had done so, who said he had done very right.

Q. Did not that Order of Captain *Wintzingerode* clearly and strongly imply, that the Cavalry were to march and form a third Line behind the Infantry?

A. He apprehends the Order itself expresses it.

Q. Was he most Part of the Day with the Cavalry?

A. He was; as it was his duty to attend upon Lord *George Sackville*.

Q. Does he know what was the Distance from the Infantry to the Cavalry, when the Infantry was formed?

A. He did not.

Q. Was any Part of the Cavalry in Motion between the Time of Captain *Wintzingerode's* delivering the Prince's Order

der to Lord George Sackville, and the Arrival of Captain Ligonier?

A. Not that he knows of.

As the Order was delivered in *French*, he was desired, if he can recollect, to repeat the Order as delivered by Captain Wintzingerode in *French*;—

A. He cannot now take upon him to be positive, as to the Words of the Order.

Q. Was there Room for the two Lines of Cavalry to be drawn up into one betwixt the Villages of *Halen* and *Hartum*, and the Wood?

A. He is not sure whether there was or not, but rather thinks not;—his Idea of the Ground is, that there was scarce Room enough between the Villages and the Wood, to form the two Lines into one, so that consequently the Wood would intersect the Line.

Q. Whether, by advancing the two Lines a little forwarder, there then would have been Room enough to form them into one Line?

A. He believes by advancing them forwarder, they would have got clear of the Wood: He is not enough Master of the Ground to say, whether they would have been quite clear: He thinks they must have past through Part of the Wood at any Rate. But, if they had gone *considerably* forwarder, his Notion was, they would have been clear of it, to have formed in one Line, without going through the Wood to the Left.

Q. It not being practicable in his Opinion to form the Cavalry into one Line, where they were then drawn up, and the Cavalry not advancing to a Place where it would have been practicable; did an Explanation of the Order as understood by him, seem absolutely necessary?

A. As understood by him, he did not look upon the Wood as a material Objection to the Cavalry forming in one Line, as it seemed to him so open, that they might pass through it to form in Part, or, as should be judged necessary, on the other Side of it.

Q. If forming in one Line did not appear to him necessarily previous to their marching, in Obedience to that Order, but forming in one Line at any Time before their coming to the Rear of the Infantry, so as to support them, appeared to him to satisfy the Intention of that Order; does he know of any other Impediment to carrying the Order immediately into Execution?

A. He

A. He recollects no Impediment to their moving forward, unless it was the *Saxe-Gotha* Regiment, which was then, he thinks, in the Front.

Q. The Wood being open, as he has described, could not the Cavalry have gone through it to the Left, without waiting for that Regiment's being removed?

A. The second Line could, to be sure, have doubled up on the Left of the first, or passed through the Wood, if necessary, before the first Line moved forward, should the *Saxe-Gotha* Regiment have been an Obstacle to prevent it.

Q. Of how many Battalions does the *Saxe-Gotha* Regiment consist?

A. Of one Battalion.

Q. Could not the first Line also have advanced sooner, by passing through a Part of the Wood, than by waiting the Removal of that Regiment?

A. If the first Line was to have moved to the Left, he apprehends it would not have been necessary to remove the *Saxe-Gotha* Regiment at all, because it would have marched clear of it; but, if it was to move forward, he supposes the Removal of the *Saxe-Gotha* Regiment would then be necessary.

Q. Could not the *Saxe-Gotha* Regiment have been put into such a Position in five Minutes Time, as that the Cavalry might have received no Impediment from it?

A. Most undoubtedly.

Q. Was this Regiment, immediately upon Receipt of those Orders, put out of the Way?

A. Not that he knows of.

Q. Does he know, whether that Regiment was ever told, that they obstructed the March of the Cavalry, or desired to move?

A. He does not.

Q. Did he ever go to reconnoitre the Wood upon the Left of the Cavalry?

A. He was not sent to reconnoitre it, but he happened to ride through it.

Q. When he rode through it, did he observe it with Attention?

A. It appeared to him in general, at least that Part of it he rode through, to be an open Wood, which Troops might pass through.

Q. In the Part through which he passed, could ten Men in Front have passed through?

A. By

A. By opening to the Right, or Left, to avoid Trees, as might be necessary, he supposes they could.

Q. Did he see, or observe the Road, where the Artillery had passed through that Morning?

A. He saw several Tracks of Carriages through it.

Q. Did it appear to him, that those were the Tracks where the Artillery had gone?

A. He cannot say, whether of Artillery, or other Carriages.

Q. Did it appear to him, that the Woods were thicker in those Parts, than any other?

A. He did not particularly observe that.

Q. Did it appear an open Wood in those Parts?

A. The Wood, in general, appeared open.

CAPTAIN HUGO, late Aide-de-camp to Lord *George Sackville* (and since to Lord *Granby*)—Lieutenant Colonel *John Irwin* being prevailed upon, and sworn, to interpret his Evidence—was examined upon Oath.

Q. Does he remember Captain *Wintzingerode's* coming to Lord *George Sackville*, where the Cavalry had been formed and halted by Captain *Malhortie*?

A. Yes, he remembers his coming.

Q. In what Manner did he come?

A. He came in a Gallop, appearing in Haste.

Q. What Orders did he bring?

A. He brought an Order for the Cavalry to form into one Line, to make a third Line to sustain the Infantry, and to advance.

Q. What did he understand by advancing?

A. 'To march forward.'

Q. Did Lord *George Sackville* make him repeat his Order, and for what Reason?

A. Lord *George Sackville* made him repeat his Orders, not seeming to understand him, as he believes, because he spoke in *French*.

Q. Did he speak in any other Language than in *French*?

A. He does not remember to have heard him speak in any other Language.

Q. Did he explain his Orders to the Witness in *German*?

A. No, he did not.

Q. Did he explain them in any other Manner, than by repeating his Orders?

A. He

A. He does not remember his explaining the Orders in any other Manner than by repeating them.

Q. Did he at this Time see the Artillery marching on the left Flank of the Cavalry?

A. Yes, he did.

Q. Did he see any, and what Regiment, forming in their Front towards the Left?

A. Yes; he saw the Regiment of *Saxe-Gotha* formed in the Front of the Cavalry, towards the Left.

Q. What did Lord *George Sackville* order him to do upon Captain *Wintzingerode's* leaving him?

A. Lord *George* ordered him to go and carry Orders to the commanding Officer of that Regiment to clear the Front of the Cavalry, that they might advance.

Q. Does he remember, soon after he returned to Lord *George Sackville* from giving the Order to the *Saxe-Gotha* Regiment, that Captain *Ligonier* arrived?

A. Yes.

Q. Did he see or hear Lord *George Sackville* speak to Lieutenant Colonel *Sloper*, for Lieutenant Colonel *Sloper* speak to him?

A. He can't say he did see or hear him.

Q. Did he observe any Thing in Lord *George Sackville's* Look, Manner, or Behaviour, in the Course of that Day, different from other Times?

A. He did not perceive it in the least.

Q. (On the Cross-Examination) What does he understand to have been the Meaning of the Order?—Does he apprehend, that the Spirit and Intention of the Order would have been best satisfied by forming one Line before they marched, and marching strait forward; or by advancing in any Manner that could most conveniently or expeditiously have been done, and afterwards forming one Line, so as to sustain the Infantry effectually?

A. It is a Matter of Opinion, and difficult to decide; and, as he does not esteem his own Opinion to be of Consequence, he should beg to be excused from giving it.

Q. Has he ever given any Opinion upon this?

A. No; he never did give any Opinion upon that Head.

Q. Did Lord *George Sackville*, as not having any farther Information by Captain *Wintzingerode's* Answer, than a Repetition of the Order first delivered, desire an Explanation at large, or that he would endeavour to express himself in *English*?

A. He did not hear him.

Q. Might not Captain *Wintzingerode* have spoken to his Lordship in *English*, and he not have heard it?

A. That might have been, but probably not.

Q. Was he sent any where by Lord *George Sackville* immediately upon Captain *Wintzingerode*'s quitting him?

A. It appears to him, that Lord *George Sackville* spoke first to another Aide-de-camp, and immediately afterwards gave him Orders to go to the *Saxe-Gotha* Regiment?

Q. Where was Lord *George Sackville* when Captain *Wintzingerode* gave his Lordship his Orders?

A. He was in the Front of the *British* Cavalry, but can't tell at the Head of which Regiment.

Q. What other Persons does he apprehend to have been present, or within Hearing of the Delivery of the Order?

A. He can't remember; he did not observe; but thinks Lieutenant Colonel *Hotham* was there.

Q. How long had the Cavalry been formed there when this Order was brought?

A. He can't exactly say, but he should think about Half an Hour.

Q. How long does he think Captain *Wintzingerode* was with Lord *George*?

A. He can't say positively; believes a few Minutes.

Q. How soon does he apprehend Captain *Ligonier* arrived after his returning from the *Saxe-Gotha* Regiment?

A. He cannot exactly fix it;—but, by what he did, it appears to him to have been seven or eight Minutes in all, from the going of *Wintzingerode* to the coming of Captain *Ligonier*.—He afterwards explained himself, that immediately upon his Return from the *Saxe-Gotha* Regiment, he saw Captain *Ligonier* arrive.

Q. Was the Regiment immediately moved?

A. As soon as he quitted it, it was put in Motion.

Q. Were the Cavalry thereupon put in Motion?

A. He can't say, as he was not with them.

Q. At his Return from the *Saxe-Gotha* Regiment, did he find the Cavalry, then in Motion, either forming the Line, or advancing, in consequence of the Orders which Captain *Wintzingerode* had brought?

A. They were in Motion to form the Line.—Upon Recollection he said, that he does not remember whether the first Line was in Motion or not; but he rather thinks not; but the second Line was in Movement to form the Line, as it appeared

appeared to him; but he was at such a Distance, he can't be positive.

Q. Was the Artillery, which he saw marching, upon the Left of the whole Cavalry, or marching through any Interval?

A. He can't say exactly, but thinks upon the Flank.

Q. Did he, at the Time, observe to Lord *George Sackville* what he saw of the Artillery?

A. No.

Q. Does he know of Lord *George Sackville's* sending any Person into the Wood to reconnoitre it, to see where the Cavalry could pass?

A. He knows Lord *George Sackville* sent Captain *Lloyd* to the Left, but he does not know for what.

Q. Can he say with Certainty, whether he heard the whole of the Conversation which passed between Lord *George Sackville* and Captain *Wintzingerode*?

A. He cannot say with Certainty.

ADJOURNED till To-morrow Morning at Ten o'Clock.

WEDNESDAY 19th MARCH 1760.

THE SEVERAL MEMBERS being met pursuant to Adjournment—except LIEUTENANT GENERAL STUART, who from Illness was unable to attend—the COURT resolved for the more Dispatch to proceed.

CAPTAIN HUGO was farther examined.

Q. Whether the Movements of the Cavalry of the second Line, mentioned by him, were in consequence of an Order from Lord *George Sackville*?

A. He does not know.

Q. Did the Cavalry then proceed to form one Line; or when and where did they first form the Line that Day?

A. He did not see them formed into one Line, till they came upon the Heath, when he returned from the Duke.

Q. Was he with the Prince, and upon what Occasion?

A. He went with Lord *George Sackville*.

Q. (By the Court.) Was the Ground upon which the Cavalry was drawn up, sufficiently open to form in one Line?

A. It appears to him not.

Q. If the two Lines had moved a little forwarder, could they then have formed one Line?

A. He believes they might have formed into one Line, if they had advanced a little, and afterwards taken some Ground to the Right, so as to get clear of the Wood.

Being desired to describe what was on the Right, Left, and Front of the Cavalry, and also the Nature of the Wood, —

A. He cannot give a perfect Description of it, but the best Description he can give, is, — To the Left they had a long Wood, upon the Right a little Wood, which was open on the Front towards the Right: As to the Ground, it appeared to him to be rising in Front; the Wood upon their Left was open.

Q. Was the Ground in Front open, or otherwise?

A. He does not remember, as he never was upon it: He knows they had a Wind-mill in their Front.

Q. Did the Wood upon the Left appear to him practicable for Cavalry to march through; and with what Front could they have passed through, having no Enemy to molest them in forming properly on the other Side?

A. The Wood was practicable for Cavalry to pass; — and he knows by Experience, that they could pass in Quarter-ranks; but he believes they must open every now and then to the Right and Left, to avoid the Trees.

Q. Was the Wood practicable in one Place only for Cavalry to march through?

A. He can't say he made any Observation upon that.

Q. Does he know any Reason or Impediment to have prevented Captain *Wintzingerode's* Order being put in Execution?

A. He knows no other than the *Saxe-Gotha* Regiment, which was in their Front.

Q. Does he think the *Saxe-Gotha* Regiment was the least Impediment whatever?

A. Very little, because they might be moved.

Q. Does he not think the strong Meaning of those Orders was to support the Infantry?

A. The Order itself expresses it.

Q. Does he not think the supporting the Infantry was a Thing of very great Consequence?

A. As

A. As he did not know the Position of the Infantry, he could not judge how far it was of Consequence.

Q. Does he not know that it was clearly Prince *Ferdinand's* Order so to do?

A. Doubtless;—and for that Reason he is persuaded it was of Consequence.

Q. Whether, in his Opinion, if the Order could not be complied with in one Manner of Marching, that can be any Sort of Excuse for not complying with it at all?

A. He does not think himself a competent Judge of that.

Q. Whether he really and seriously believes, that Prince *Ferdinand* meant that the Cavalry was to move from their first Formation in one Line, till they came to the Rear of the Infantry; or whether it must not be clear to him and every one, that they were to march to the Support of the Infantry, and to form themselves in one Line for that Purpose, as the Occasion or the Ground would permit?

A. The Order itself expresses the whole of that sufficiently, without making any other Answer necessary.

Q. For the Sake of Illustration.—If the Witness commanded three Troops, and was halted, and should receive an Order for forming in one Line, and to march to support any Post that was attacked,—the Ground not permitting him to march in one Line,—would, or would not the Discipline of the Troops he serves in, require that he should get up in the best Manner he could, to support the Troops which were attacked?

A. Certainly, yes.

Q. Was he applied to by Lord *George Sackville* to explain the Order of Captain *Wintzingerode*, which was delivered to Lord *George Sackville* in French?

A. No, he was not.

Q. (By Desire of Lord *George Sackville*) Did his Lordship not seem to understand Captain *Wintzingerode's* Order as soon as he made him repeat it? And did he not act in Consequence of it?

A. It appeared to him, that Lord *George Sackville* understood it, and gave him Orders; which persuaded him that his Intention was to put it in Execution.

Q. Was the *Saxe-Gotha* Regiment clear of the Front of the Cavalry when Captain *Ligonier* arrived?

A. The Regiment of *Saxe-Gotha* was put in Motion the Moment he quitted them; but he cannot say it was quite clear of our Front, or out of Sight, when Captain *Ligonier* arrived.

Q. (By

Q. (By the Court) Can he say that it was not?

A. He can't say, as he did not attend to that.

Q. (By Lord George Sackville) How far was the Cavalry from the Regiment of *Saxe-Gotha*?

A. He can't say exactly; but, as it appeared to him, about 200 Paces.

Q. Did he come directly back to Lord George Sackville from giving the Order?

A. He did.

Q. Did he stay near Lord George Sackville all the Time Captain *Wintzingerode* was with him?

A. He can't say positively; but thinks he did.

LIEUTENANT BISSET, Assistant Quarter-Master General, was again examined.

Q. Does he remember Captain *Wintzingerode's* coming to Lord George Sackville.

A. He does.

Q. Does he remember what Order he brought?

A. Yes;—the Order was in *French*, and the Sense of it he takes to be, that the Cavalry should be formed into one Line, making a third to sustain the Infantry, and advance.

Q. Did Lord George Sackville make him repeat his Orders?

A. Twice, he thinks.

Q. Did he explain them in any other Manner than by repeating them?

A. Not that he saw or heard.

Q. How long did he stay with Lord George Sackville?

A. No longer than the Time of repeating the Orders; to the best of his Recollection he did not.

Q. What did Lord George Sackville do upon that? Did he give any Orders?

A. He saw Lord George Sackville send off some Aide-de-Camp; but does not know what Orders he gave him.

Q. Does he remember the *Saxe-Gotha* Regiment formed in the Front of the Cavalry?

A. He remembers their being formed in the Front towards the Left.

Q. Does he remember the Artillery passing through the Lines of Cavalry at the Time Captain *Wintzingerode* was with Lord George Sackville?

A. He remembers the Artillery passing towards the Left
of

of the Line of Cavalry; he is not certain exactly of the Time, but believes it might be at the Time.

Q. Did he hear Lord *George Sackville* speak to Lieutenant Colonel *Sloper*, or Lieutenant Colonel *Sloper* to him?

A. He does not remember either the one or the other.

Q. Does he remember Captain *Ligonier's* coming to Lord *George Sackville*?

A. He does.

Q. How long after Captain *Wintzingerode's*?

A. As he made no Memorandums of any Thing he saw or heard during that whole Day, nor looked at his Watch, he can't take upon him from his Memory justly to ascertain the Distance of Time between these two Orders; but, as he does not remember any Thing material which he did, or which happened during the intermediate Space, he should suppose the Time might be about six or seven Minutes.

Q. How long had the Cavalry been formed in two Lines, to the best of his Knowledge, before Captain *Wintzingerode's* Arrival?

A. He should suppose from 20 Minutes to three Quarters of an Hour.

Q. (On the Cross Examination) What he takes to have been the principal Object of the Orders brought by Captain *Wintzingerode*?

A. He supposes the forming a third Line, and afterwards to support the Infantry.

Q. Does he take it to be essential to the Execution of those Orders, at what Time or Place the Cavalry should be formed into one Line, so as they were formed in Time to become a third Line for the Support of the Infantry?

A. The Ground where the Cavalry then was, was too narrow to form into one Line, without an Interval being made by the Wood:—but he begs to be excused from answering this Question, being Matter of Opinion.

Being desired to mention what he understands by the Word Advance;

Answered, That they should advance in one Line; he can't pretend to explain the Order, which is explicit; but he thinks it would have been to more advantage to have advanced past the Windmill in two Lines, and then formed into one, as the Ground enlarged there, and would admit of it.

Q. Supposing the Cavalry could have arrived sooner in the Rear of the Infantry, (so as to make a third Line in Order

Order to support them) by going to the Left through the Wood, does he apprehend the Intention of the Order would have been equally obeyed, as by advancing directly forward?

A. He cannot take upon him to judge of that.

Q. At what Time did he take the Ride with Captain Roy, mentioned in his former Evidence?

A. After the Cavalry was formed and halted.

Q. Did they go through the Wood?

A. Yes.

Q. What Kind of Wood did it appear to him in the Part they passed through?

A. A thin scattered open Wood.

Q. Does he apprehend Cavalry could conveniently have marched through the Part where they passed, and how many in Front?

A. They might; he should suppose a Squadron in Front; — but not so as to keep their Order.

Q. Did he make any Report to Lord George Sackville of what he had seen of the Wood?

A. He don't remember he did.

Q. Might not other Conversation have passed between Lord George Sackville and Captain Wintzingerode, and he not have heard it?

A. It is possible, but not very probable, as he was very near.

Q. How long should he judge Captain Wintzingerode remained with Lord George Sackville?

A. The Time of repeating these Orders twice.

Q. Were the Orders repeated both Times in French?

A. Yes.

Q. Where was Lord George Sackville at that Time?

A. He was in the Front towards the Right; but he can't say at the Head of what Squadron.

Q. Does he recollect what other Persons were present, or within Hearing of the Order delivered?

A. He thinks Lieutenant Colonel Hotham was there; but does not recollect who else; there were some other Aides-de-Camp.

Q. Were there any other besides Aides-de Camp?

A. He can't say with certainty; believes Mr. Roy was there, who had been with him.

Q. Did he remain with Lord George Sackville from the going of Captain Wintzingerode to the coming of Captain Ligonier?

A. He

A. He was riding about, he believes in the Front.

Q. Can he say whether Lord *George Sackville* remained at the same Post that Time, or not?

A. He cannot.

Q. Does he apprehend the *Saxe-Gotha* Regiment would have been any material Obstruction to the Execution of those Orders?

A. As the *Saxe-Gotha* Regiment might be very soon removed, he don't imagine they could have been any great Impediment.

Q. Supposing it had been thought advisable to pass through the Wood to the Left with the Cavalry, would they have been any Impediment at all?

A. If the Cavalry had marched so far to the Left, as to be clear of the Fir Inclosure, there would have been no Impediment at all from that Regiment, or otherwise.

Q. Did he take the Liberty of observing any Thing to Lord *George Sackville* arising from what he had seen of the Wood or the Enemy?

A. He did not the whole Day.

Q. (By the Court) Had he any particular Reason, why, after he had discovered the Enemy, and returned again to the two Lines of Cavalry, he did not immediately make a Report of having seen the Enemy to Lord *George Sackville*?

A. Because it was very well known then that the Enemy were in their Front, as they were cannonading the Battery that was attached to their Picquets; and because he went away without Leave from Lord *George Sackville*, and only to satisfy his own Curiosity; and at the same Time thought the Enemy so much to the Left not an Object material to be reported to Lord *George Sackville*, as those in their Front were what they were to pay Attention to.

Q. Does he know whether the Wood, which was upon the Left of the Cavalry, or the Ground beyond it, was ever reconnoitred by Lord *George Sackville's* Order?

A. He does not know that it was.

Q. In the Course of that Day does he know that the Cavalry was ever stopped by the March of the Train?

A. Not that he knows of.

Q. (By Desire of Lord *George Sackville*) Whether the Artillery passing through the Intervals of the Cavalry, or on their left Flank, would, or would not, have obstructed the March of the Cavalry, if ordered to move to the Left whilst the Train was passing?

A. Undoubtedly.

Q. (By the Court) Whether he observed to Lord *George Sackville* at the Time, his seeing the Artillery passing?

A. He did not.

Q. How soon did the first Line of Cavalry advance after the Arrival of Captain *Wintzingerode*?

A. The first Line of Cavalry did not advance till Captain *Ligonier* came up with his Order.

CAPTAIN RICHARD LLOYD, late Aide-de-Camp to Lord *George Sackville*, was again examined.

Q. Did he see Captain *Wintzingerode* come up to Lord *George Sackville*?

A. He did not see him come up; the Deponent came up to Lord *George Sackville* whilst Captain *Wintzingerode* was with him.

Q. What did the Persons about Lord *George Sackville* report at the Time of the Order *Wintzingerode* had brought?

A. He understood that he brought an Order for the Cavalry to form into one Line, as a third, to support the Infantry, and advance.

Q. How long was it from the Time of his coming up before Captain *Wintzingerode* went away?

A. A very short Time; he believes not a Couple of Minutes at most.

Q. Did he see at that Time the Artillery passing through the Intervals of the Cavalry upon the Left, or upon the left Flank of the Line?

A. He did see some Artillery passing upon the left Flank.

Q. Did he see any Thing in their Front?

A. There was a Regiment of Foot.

Q. Did Lord *George Sackville* give any, and what Order, concerning it?

A. Immediately upon Captain *Wintzingerode*'s going away, Lord *George Sackville* said, that Regiment would be in their Way, and Captain *Hugo* was sent with Orders to remove it to the Right, clear of the Front.

Q. What Orders did Lord *George Sackville* then give to the Deponent?

A. Lord *George* ordered him to go and reconnoitre the Situation of the Infantry, and report to him.

Q. Did he hear Lord *George Sackville* hold any Conversation, and what, with Lieutenant Colonel *Sloper*?

A. He

A. He can't say he did.

Q. Did he go to the Infantry as ordered?

A. No; at the Distance of about 300 Yards he met Captain *Ligonier* full Speed, and concluding he brought some fresh Orders, he turned about, and went back with him to Lord *George Sackville*; who at that Time was some where to the Right of the *Inniskilling* Regiment.

Q. Did he then hear Captain *Ligonier* give Lord *George Sackville* his Orders?

A. He did.

Q. (On the cross Examination.) Does he take it to have been essential to the Execution of the Orders, at what Time or Place the Cavalry should be formed into one Line, so as they were formed in Time to become a third Line for the Support of the Infantry?

A. He supposes the sooner they were formed in one Line, the better.

Q. Does he apprehend their being formed in one Line before their advancing to have been material?

A. He should imagine it material, and by what he could hear, the meaning of the Order.

Q. Does he apprehend it to have been so material, as to have delayed the Execution of the Order, supposing there was any present Obstruction to their being so formed?

A. He thinks himself not a Judge of that.

Q. Does he recollect, who were the Persons about Lord *George Sackville* at the Time he came up?

A. There were several: There was Lieutenant Colonel *Hotham*, Captain *Broome*, he thinks Mr. *Hugo*, and several others; but at this Distance of Time he cannot recollect.

Q. Where was Lord *George Sackville* at that Time?

A. In the Front of *Bland's*.

Q. Does he recollect, whether Lieutenant Colonel *Sloper* was one near him?

A. He does not recollect that he was.

Q. Does he know, whether any Part of the Cavalry was put in Motion before Captain *Ligonier's* Arrival?

A. He cannot tell, as he was gone away by Lord *George Sackville's* Order.

Q. Were they in Motion when he returned with Captain *Ligonier*?

A. He cannot say, he observed them in the Front Line, but could not see farther.

Q. (By the Court.) At the Time he saw the Artillery pass to the Left of the Cavalry, was he near enough to distinguish

guish whether it was the Front, Rear, or Centre of the Artillery?

A. It was a Part of the Line of Artillery, which had been passing for some Time.

Q. Does he know, whether Lord *George Sackville* sent any Orders to halt the Artillery?

A. He never heard he did.

Q. When he returned with Captain *Ligonier* to Lord *George Sackville*, did he see any Alteration in the Position of the Cavalry from that in which he left it, when he was sent by his Lordship to reconnoitre the Position of the Infantry?

A. He did not, to his Knowledge.

Q. Does he recollect, whether Captain *Hugo* was with Lord *George Sackville*, when he returned?

A. He does not recollect to have seen him.

Q. How far beyond the *Saxe-Gotha* Regiment did he go upon the Heath?

A. He did not go beyond the *Saxe-Gotha* Regiment; he went towards the Wood upon the Left.

Q. How soon was any Part of the Cavalry of the Right Wing in Motion, after the Arrival of Captain *Wintzingerode*?

A. He cannot say, as he was sent away.

Q. Does he know how long it was before the whole Artillery was passed?

A. He cannot pretend to say.

Q. If the Order brought by Captain *Wintzingerode* had immediately been put in Execution, by marching the Cavalry in Squadron, and then forming in one Line, when they came within Sight of the Infantry, and thence marching forward in one Line to their Support; would not that have been the quickest Way of executing the Orders brought by Captain *Wintzingerode*?

A. They must have marched by Squadrons, for they could not march in Line, by reason of the Wood upon the Left between them and the Infantry.

CAPTAIN JOSEPH BROOME, late Aide-de-Camp to Lord *George Sackville*, as Lieutenant General of the Ordnance (and now to Lord *Granby* in the same Capacity) was sworn and examined.

Q. Did he see Captain *Wintzingerode* come to Lord *George Sackville*?

A. He did.

Q. What Orders did he bring?

A. To

A. To form the Cavalry into a third Line, to support the Infantry, and to advance.

Q. Did Lord *George Sackville* desire him to repeat his Orders?

A. Yes.

Q. What Language did he speak in?

A. In *French*.

Q. Did he hear him explain his Orders in any other Manner than by repeating them?

A. He did not.

Q. What Orders did Lord *George Sackville* give him, in consequence of Captain *Wintzingerode's* being with him?

A. To go to the Front to bring an Account of what was doing there.

Q. Does he remember Lord *George Sackville* speaking to Lieutenant Colonel *Sloper*, or his speaking to Lord *George*, whilst he was with Lord *George Sackville*?

A. He does not.

Q. Does he remember Captain *Williams* coming to Lord *George Sackville* about the advancing of the Artillery?

A. He does.

Q. What Orders did Lord *George Sackville* give him?

A. To return to Captain *Philips*, to tell him to bring the Artillery to the Front as soon as possible, as they would find something to do there.

Q. Did he see the Artillery passing through the Intervals of the Cavalry, or upon their Flank, at the Time Captain *Wintzingerode* came to Lord *George Sackville*?

A. He saw the Artillery pass through the Intervals of the Cavalry much about that Time; but cannot positively say it was just then.

Q. Did he observe any Thing that Day in Lord *George Sackville's* Manner, Looks, or Behaviour, different from what they were upon any other Occasion?

A. No: but, on the contrary, the Orders he heard given were very distinct; and, to all Appearance, without the least Sign of Fear.

ADJOURNED till To-morrow Morning
at Ten o'Clock.

THURSDAY

THURSDAY 20th MARCH 1760.

THE COURT being met pursuant to Adjournment,

CAPTAIN BROOME was cross-examined.

Q. About what Time did Captain *Wintzingerode* come, as nearly as he can recollect?

A. He really cannot ascertain the Time.

Q. How long did he stay with Lord *George Sackville*, as he judges?

A. The Witness was sent away before Captain *Wintzingerode* left Lord *George*.

Q. Where was Lord *George Sackville* when Captain *Wintzingerode* came to him?

A. At the Front of *Bland's*.

Q. Did he hear, while he was with Lord *George Sackville*, Captain *Wintzingerode* repeat his Orders in *English*?

A. No.

Q. What is meant by his being sent to the Front, to see what was doing there?

A. To see if he could discover any of the Enemy.

Q. What did he see, and what Report did he make to Lord *George Sackville*?

A. He advanced about 300 Yards in the Front of *Bland's*; when he came there, he could discover none of the Enemy in Front; he then went about 200 Yards to the Left, and there discovered a great Number of the Enemy farther to the Left, at near a Mile's Distance; but the Cannonade on both Sides was so great, with a large Quantity of Smoke occasioned by it, as to prevent his seeing any Infantry that might have been nearer: for what he saw he took to be Cavalry. He then returned to the Ground, where he left our own Cavalry, to make his Report, and found that the whole right Wing had marched to the Left, so as to have their right Flank on the other Side the Wood. He directly went thither, and made his Report of what he had seen.

Q. Does he think the Order necessarily implied that the Cavalry was to be formed in one Line, before it advanced, or that it's advancing in the most expeditious Manner, afterwards, upon a convenient Spot, forming in one Line, and thence advancing to the Rear of the Infantry to support them, would have equally answered the Intent and Meaning of the Order?

A. He

A. He believes the literal Meaning of the Order was, that they should first form in one Line.

Q. Supposing any Obstruction at the Time to carrying the Order into Execution in that Manner, does he think that would have been a sufficient Reason for not carrying it immediately into Execution, in such other Manner as the Circumstances would best admit?

A. It is a Matter of Judgment, and he desires to be excused from answering it.

Q. Does he remember what Time the Orders were sent to Captain *Philips* by Captain *Williams*, for his advancing with the *British* Artillery?

A. Some Time before Captain *Wintzingerode* came; but he cannot ascertain the Time.

Q. Does he think the Artillery would have halted, if necessary, upon Lord *George Sackville* sending Orders for that Purpose, till the Cavalry had passed through?

A. Without Doubt.

Q. Does he know, or did he ever hear that Lord *George Sackville* did send Orders for that Purpose?

A. He did not.

Q. (By the Court) Does he recollect the Distance of Time between the coming of Captain *Wintzingerode* and his Return from reconnoitering?

A. He cannot ascertain the Time: it was a very great while; he thinks pretty near twenty-five Minutes.

Q. Was the Cavalry, at the Time of his Return, in one Line or two?

A. It was almost completed in one: Part of the Regiments on the Left were then forming.

Q. Does he think if the Cavalry had immediately moved, upon Receipt of the Order from Captain *Wintzingerode*, they would, or would not, have been able to have formed in the Rear of our Infantry in the Time he mentions?

A. He really thinks not; for it proved afterwards that they were at a great Distance: He did not then know where the Infantry was.

Q. What does he take to have been the Distance from the Place where the *English* Cavalry were first formed to the Place where he first saw the Enemy?

A. Near a Mile.

Q. In case, he was ordered to march with two Pieces of Cannon abreast, to dislodge a Battery, or annoy the Enemy, and he could not march them the whole Way in Front, would he, or not, think himself obliged to get

get them up to the Place ordered, in the best Manner he could ?

A. To be sure he should think himself obliged to do it.

CAPTAIN JOHN SMITH was again examined.

Q. Did he see Captain *Wintzingerode* come to Lord *George Sackville* ?

A. No.

Q. Where was he about that Time ?

A. He was loading his Pistols upon the Right of *Bland's*.

Q. When he returned, what was Lord *George Sackville* doing ?

A. He was clearing his Front of a Regiment of Infantry ; he heard Lord *George Sackville* tell Mr. *Hugo*, he would have that Regiment get away directly ; that it was the *Saxe-Gotha* Regiment, and not the *second Line*.

Q. Were there any other Troops in the Front, which he saw ?

A. There was a Line of Infantry moving close by the Windmill.

Q. What happened after this ?

A. He was standing at the Right Squadron of *Bland's* when he saw Captain *Ligonier* come ; he supposed he had delivered an Order to Lord *George Sackville*, but he could not hear it ; Lord *George Sackville* turned about, drew his Sword, and gave the Word to the Line, and he heard the Word ' March ; '—the whole was in Motion directly. Lieutenant Colonel *Sloper* said to the Deponent, ' Are we going to charge '—' or something to that Effect ——— he replied ——— It looks so '—Lieutenant Colonel *Sloper* said, ' I have not thrown away my Picquet Poles : do, for God's Sake, tell my Lord *George* the Line is not ready, and beg him to stop one Minute.' The Deponent went directly to Lord *George*, asked him, if we were going to charge ; he said he believed so very soon ; he then said, ' Pray, my Lord, stop a Minute, just till the Line makes themselves ready.' ' What do you mean, Sir,' says Lord *George*, ' who says they are not ready.'—The Deponent answered, ' My Lord, I come from Lieutenant Colonel *Sloper*, who begs you will stop half a Minute, just 'till he throw away his Picquet Poles.' His Lordship answered, ' Tell Lieutenant Colonel *Sloper* to throw them away as we move up, for I will not halt the Line, now it is in Motion.'

Q. Did

Q. Did he carry that Order to Lieutenant Colonel *Sloper*; and was it obeyed?

A. As he went along the Line he gave the Word to prepare for the Charge; and to throw away every Thing, which incumbered them. When he came to Lieutenant Colonel *Sloper*, he told him he must throw away his Picquet Poles, as he advanced, for Lord *George* said, he would not halt the Line; upon which Lieutenant Colonel *Sloper* gave the Word, 'Halt,' to his Squadron. The Deponent endeavoured to explain himself again, and Lieutenant Colonel *Sloper* replied to him, "I shall do it quicker; never fear, I won't stop a Moment." As the Lieutenant Colonel's was a right hand Squadron, he did not think it of any great Consequence, so he turned about to go back to Lord *George* *Sackville*.

Q. Where was Lord *George* when he received Captain *Ligonier's* Order?

A. Upon the Right of the *Inniskillings*. He thinks, as well as he can recollect, when he gave the Word, "March," that his Lordship directed his Voice to the *Inniskillings*.

Q. Is he certain Lord *George* was not with the Right Squadron of *Bland's*?

A. He has just said, he carried an Order between his Lordship and that Squadron: He could not be there.

Q. Did he observe any Artillery passing upon the Left Flank, or through the Intervals of the Cavalry, whilst he was talking to Lieutenant Colonel *Sloper*, at the Time that Captain *Ligonier* came?

A. He recollects he was looking at the Artillery moving upon the Left in a violent Hurry at that Time: He saw two Carriages run foul of each other.

Q. What happened when he returned again to Lord *George* *Sackville* from Lieutenant Colonel *Sloper*?

A. As he returned he perceived Lieutenant Colonel *Fitzroy* just come, and speaking to Lord *George*. He saw Lord *George* put back his Hand, and heard him say, 'Cease the Drums, and give the Word, 'Halt the Line.' By this Time he got up near enough to hear Lord *George* say, 'Why, Sir, Mr. *Ligonier* says the whole; don't be in a Hurry, *Fitzroy*.' Lieutenant Colonel *Fitzroy* replied, 'My Lord, we bring the same Order.' Then several People spoke together; he recollects seeing Mr. *Ligonier* speak at that Instant; but cannot, upon his Oath, say, what the Words were.— Lord *George* appeared to him to be angry with Mr. *Fitzroy*, and he heard his Lordship say to him, 'I wish you would

' agree

‘agree what your Orders are; I am ready to obey either.’

Fitzroy appeared to the Deponent to be most pressing in his Manner; and the Deponent saw that he prevailed so much upon Lord George by his Eagerness, that Lord George asked him, which Way he would have him go: And Lieutenant Colonel *Fitzroy* pointed to the Rear, towards their ~~left~~ ^{east}. Lord George asked him *about the Way, or if he knew the Way, or to that Effect*. — Lieutenant Colonel *Fitzroy* said, he was no Guide, ‘but I will endeavour to shew you the Way that I came.’ The Deponent then recollects there were then four or five Words more passed about that Way. The next Thing he heard, was, Lord George said with a loud Voice, ‘Where is the Prince; is he far off?’ Colonel *Fitzroy* said, ‘I left him just on the other Side of the Wood, coming this Way.’ Lord George said, ‘how far?’ *Fitzroy* answered, ‘about one or two Brigades.’

Q. Did Captain *Ligonier* own, that Lieutenant Colonel *Fitzroy* was in the right?

A. No, he never changed his Orders: They did not agree that he heard.

Q. Was there not a Dispute among themselves about those Orders that very Day?

A. The Witness never disputed with any Body: He thought there was a Mistake himself; he never said any thing, but he did hear there was a Dispute. Mr. *Ligonier* told him, he had disputed with an Officer, and came to the Deponent and found Fault with the Officer who had disputed with him: The Deponent carried *Ligonier* up directly to the Officer he had disputed with, and scolded him with Mr. *Ligonier*. The Deponent asked him, how he could say which was right, or which was wrong; and recommended it to them not to be out of Humour about a Trifle: Desired it might not be mentioned again, as no bad Consequence had happened from it; so Mr. *Ligonier* was satisfied, and they agreed. — He observed that this happened before the Cannonade was over.

Q. Who was the Officer?

A. Lieutenant *Sutherland* of the *Welsh Fuziliers*.

Q. Did he see Lord George *Sackville* go towards the Prince?

A. Yes, he went Part of the Way with him.

Q. Did Colonel *Fitzroy* persist in his being in the right as he rode along?

A. Yes, very strongly; he repeated his Orders to him, and persisted in them strongly; so strongly, that he convinced him; and he could not help telling Lord George *Sackville*, what

what he said to him. Lord George's Answer to him was, Mr. Ligonier was to the fall as strong. — But the Ground appearing to open on the other Side of the Trees, that seemed to the Deponent to weigh with his Lordship, and he sent the Deponent back for the *British* Cavalry.

Q. Did he go back immediately?

A. Yes, directly.

Q. Whereabouts was it he was sent back from?

A. They were just got through the Trees, not quite out upon the Heath.

Q. What passed after his going back?

A. Just as he turned back, he saw the second Line of Cavalry just coming into the open Part of the Trees. The Deponent was surpris'd at seeing them come there, and knowing that his Orders must be the latest, he went up to Lord Granby, and asked him, 'Where he was coming; what brought him there?' his Lordship told him, he was ordered to advance by Mr. *Wintwingerode* to form one Line. The Deponent, knowing nothing of these Orders, told him, that he was sure they were changed then; that it was for the *British* only; and that he was then going to fetch General *Moslyn* and the *British* of the first Line; so begged he would go on with his *British*, and that he would fetch General *Moslyn* as fast as possible. He went on immediately to General *Moslyn*, who was about the Center of the *British* Troops; and, that no Time might be lost, as he passed the Blues, he told the Officers to wheel to the Left by Quarter Ranks. General *Moslyn* saw him coming, and advanced to him. He told General *Moslyn* he was come to fetch him; that the Blues were ready wheel'd, and if he would put them in Motion, the Deponent would conduct him.

Q. Did the Deponent tell him Lord George Sackville's Orders were to move with all possible Expedition?

A. Lord George's Orders to him were to bring them round as soon as possible, which he communicated to General *Moslyn*; and added, that Lord Granby was gone on. General *Moslyn* was then walking his Horse: but upon his saying that Lord George desired he would come on as fast as he could, he put his Horse into a Trot.

Q. Did he desire General *Moslyn* still to go faster?

A. Yes; he asked him if he thought proper to go a little faster; and his Answer to him was, he would answer for it, that the Rear was in a Hurry.

Q. What Pace did he go back to General *Moslyn* from Lord George Sackville?

A. He went as fast as he could make his Horse go.

Q. Did he conduct them through the Wood?

A. Yes.

Being desired to describe what Sort of Ground it was the Way they marched:

Answered, They left the *Hanoverians* upon the Right, and went in their Rear; there the Ground was Stubble. Just as they came near the Wood, there was a little Bit of a Quick-set Hedge, which they left upon their Left: Then they came among some Forest Trees, and were obliged to incline a little to their Left, on account of some Hollies and Blackthorn, and a Couple of Carriages, Artillery Waggon. Through these Forest Trees, the Men dividing to avoid them, without any other Interruption, they soon got upon heathy Ground.

Q. What did he observe, when he first came upon the Heath?

A. Some Squadrons of *Hanoverians*, with their Right Flank just to the opening, as they (the Cavalry) came out of the Wood.

Q. Did he see Lord George Sackville there?

A. He met him directly returning from the Prince.

Q. What did Lord George Sackville say to him?

A. He told him they were to form upon the Heath; but he cannot say, whether his Lordship said in one or two Lines; but he knows he said something about a Line or Lines; and ordered him to go and tell those *Hanoverian* Squadrons to advance, and at the same Time incline to the Left: He did so; upon which they wheeled to the Left. The Deponent tried to explain himself better. — Lord George Sackville saw this, and came up to him directly, and told him he had mistaken his Orders. The Deponent told him, No; he believed *Inclining* was what they did not practise; upon which his Lordship set about it himself to see it executed as he would have it; and there the Deponent left him.

Q. Where did he go then; and what did he see?

A. He went to the Front of Lord Granby's Division, and saw a Line of Infantry moving pretty fast, at a good Distance in his Front.

Q. Did he perceive the two Regiments of *Inniskillings* and *Bland's* behind the Front Line?

A. Yes, he remembers some Person asked him what they were doing in the Rear; and the Deponent told them, the *Hanoverians* had formed so close to the Wood, that there was not Ground for the *Inniskillings* and *Bland's* to form upon their

their Right; and that he had left Lord *George Sackville* endeavouring to make the *Hanoverian* Cavalry advance, and incline to the Left, that they might have Ground for these two Regiments.

Q. When did he return to Lord *George Sackville*?

A. Immediately, as soon as he had turned his Eyes about the Ground.

Q. What Report did he make of the Ground in the Front?

A. He told his Lordship what he has already said; and added, that the Heath opened to the Right, and that there was a *Hanoverian* Battery upon the Skirt of the Wood; and he remembers that he asked him, if he did not think, when the Two Regiments (the *Inniskillings* and *Bland's*) were formed in a Line, that their Flank would extend too near the Battery.

Q. Did Lord *George Sackville* give any Orders upon that?

A. He told him to acquaint the Battery, that, as he went over the Heath, he should incline to the Right, and therefore desired him to tell them to advance with his Line. The Deponent did so accordingly.

Q. Where did he go then?

A. Whilst he was delivering Lord *George Sackville* his Orders, he saw to the Front, upon his Right, some Hats go up in the Air at a good Distance. He immediately pushed forward to those People, and as he was going, passed such a Quantity of wounded Men and Horses, that he turned back, seeing the Cavalry come that Way, to acquaint his Lordship of it. The Deponent heard his Lordship give Orders thereupon to take Care how they went over the Wounded. Then he left Lord *George Sackville* again.

Q. Where did he meet Lord *George Sackville* when he turned back?

A. He met him in the Front of a good many Squadrons, in full Trot, at a very brisk Rate.

Q. Where did he go then?

A. He passed a Line of Infantry, who were then going over the Wounded; he then pushed on, for what he could see more, till he discovered, among large Inclosures at some Distance forward, the *British* Infantry. He went up to them directly, and found them not quite formed, mixed a little; and Two Battalions of *Hanoverian* Guards, in a very good Line upon their Left. The Deponent asked what was to be done next; where the Enemy was; some of them pointed to a Cloud

Cloud of Dust and Smoke, and shewed him the Town of *Minden*, and said, 'there they are.'

Q. What did he observe after that, and when did he return to Lord George Sackville?

A. From the Ground the *British* Infantry then stood upon, down to the Morass upon their Right, it was an easy Slope, large Stubble Fields; and he saw a Line of Infantry moving forward over it; and he thought he saw Prince *Ferdinand* with it; so returned back directly to Lord George, and told him it was not over yet, for that he saw that Infantry moving upon the Right, as if going to *Minden*.

Q. What did Lord George Sackville bid him do upon that?

A. He bid him acquaint the Prince, that the Cavalry were halted in the Rear of the Infantry, where they could be of no Service, and to desire to know if his S. H. had any Commands for them.

Q. Did he deliver that Message?

A. Yes; and the Prince bid him bring them down to him.

Q. Did he do so?

A. He did: He conducted them till they met some of the Prince's Family; he then left them.

Q. Where did he go after he had conducted the Cavalry, and left them.

A. He asked Lord *Granby* for his reflecting Telescope; he told him his Groom had it: He soon found the Groom, and went down to the Edge of the Morass, fixed it upon a Bank, whence he could see into the *French* Camp, and so to his Left to *Minden*.

Q. Did he observe any Thing material when he looked with the Telescope?

A. The first Thing he observed was loaded Horses and Baggage Carts moving, some Artillery among the Inclosures directly opposite to him; he immediately acquainted the Officer who commanded the *Hanoverian* heavy Artillery with what he had seen; and he ran some Guns down directly to the Edge of the Morass; and asked the Deponent to tell him if he could see whether the Enemy was forming a Battery on the other Side; he told him, that there seemed to him to be some Artillery drawing up on a rising Ground, on which a Windmill stood, and pointed to it. The Officer directed his Guns that Way, and he observed the Shot caused great Confusion; he don't know what bad Effect it had amongst them, the Dust increased, and the Baggage tumbled about,

and

and the Artillery moved from the Windmill: He then turned the Glass to the Left, along their Camp; he saw some Troops moving into their Ground; he could not distinguish much under *Minden*, the Dust was very great: But as the Sun shone upon the Arms a good deal, he saw they crossed, and he saw some Cavalry there mixed with the Infantry.

Q. What did he observe of the Right Wing of Cavalry after that?

A. As well as he can recollect, the Front Line was in the Rear of the Picquets (meaning the Body of Infantry he spoke of before) which he found to be Picquets, and the Second Line fronted the Morass. That was the Position he saw them in when he looked up.

Q. Did the Cavalry take any other Position afterwards?

A. All he saw was, the Second Line, which fronted the Morass, wheeled back to cover the Front Line, and they then dismounted.

ADJOURNED till To-morrow Morning at Ten o'Clock.

FRIDAY 21st MARCH 1760.

THE COURT being met, pursuant to their Adjournment,

CAPTAIN SMITH was farther examined.

Q. Did he observe the Line of Infantry, which he saw moving just by the Windmill, to Lord George Sackville, or did Lord George Sackville observe it to him?

A. He don't recollect either the one or the other?

Q. Where was Lord George Sackville when Captain Wintzingerode was with him?

A. He don't recollect he saw Mr. Wintzingerode the whole Day.

Q. Did he mean then, that his loading the Pistols at the Right of Bland's, was at the Time, that he has since heard Captain Wintzingerode was with his Lordship?

A. He did not know of Mr. Wintzingerode's having been there, or his having brought any Order, till Lord Granby told him he had been with him, as the Deponent was going to General Maffyn; but he has since understood it was about that Time,

Q. Where

Q. Where was Captain *Ligonier* during the Time he went backwards and forwards between Lord *George Sackville* and Lieutenant Colonel *Sloper*?

A. He remained there with Lord *George Sackville* all that Time; he thinks he did.

Q. Did Captain *Ligonier* then, as he apprehends, hear what passed between Lord *George Sackville* and him, relative to the March of the Cavalry, and the Message from Lieutenant Colonel *Sloper*?

A. He recollects, that Mr. *Ligonier* was speaking to Lord *George*, and the Deponent interrupted him: And he thinks he spoke loud enough for Captain *Ligonier* to hear him; the Drums were beating, he possibly might not.

Q. Does he apprehend Lord *George Sackville's* Answer; "What do you mean, Sir, who says they are not ready?" was spoke loud enough for Captain *Ligonier* to hear it?

A. Yes; he thinks he spoke loud enough: Captain *Ligonier* was upon Lord *George Sackville's* Left Hand, and the Witness upon his Right.

Q. What other Persons, if any, were about Lord *George*, at the Time Captain *Ligonier* delivered his Order?

A. Captain *Lloyd* he is sure of; but he can't bring anybody else to his Mind; there must have been others, but he don't recollect them.

Q. Does he apprehend, that Captain *Lloyd*, and those other Persons about Lord *George Sackville*, could, or did hear, what he said to Lord *George*, or his Lordship said in return?

A. They could have heard it; but can't say whether they did.

Q. Did he ever serve in the Cavalry?

A. Never.

Q. What was the Distance of Squadron from Squadron, as formed in the First Position that Day?

A. They were very unequal, therefore he can't ascertain the fixed Distance.

Q. What was the Extent of Front of the Generality of the British Squadrons?

A. He don't know how many Yards a Squadron can stand upon: He knows that some of them were very weak, and others very strong at that Time.

Q. What does he take to have been the Distance between the Right Squadron of the *Inniskilling* Regiment, and the Right of *Bland's*.

A. He

A. He will venture to guess it at 50 or 60 Yards at least. — The Court intimating to him, that he must be mistaken in the Distance, — he said he can't ascertain it.

Q. After Captain *Ligonier's* Arrival, in what Voice did Lord *George Sackville* give the Word of Command to March?

A. Loud enough for him to hear.

Q. What Space of Time was there between Captain *Ligonier* and Lieutenant Colonel *Fitzroy's* Arrival with their Orders to Lord *George Sackville*?

A. Very little; he believes it could not exceed Two Minutes.

Q. What has a Regiment of Dragoons to clear itself of for the Charge?

A. He believes a Dragoon carries several Things for his Use and Comfort in Camp, that he throws away at the Instant of Charge.

Q. Cannot a Regiment of Dragoons throw away its Picquet Poles in Motion?

A. Certainly.

Q. Can a Regiment of Dragoons attack with their Picquets on, without any material Disadvantage?

A. Yes; they can do it, but not without Disadvantage.

Q. If the Cavalry had been ordered to march to the Left, could the Regiment of *Saxe-Gottha* have been an Obstacle, even without being moved?

A. No, they were in their Front.

Q. Does he know any other Obstacle to prevent the March of the Cavalry (supposing an Order had been brought for that Purpose, whilst he was loading his Pistols) to the Left?

A. He knows the Artillery was moving upon their Left at that Time, a long Time before, and a great while after, which he looked upon to be an Obstruction. — This he afterwards explained to mean, some Time before, and some Time after, as the Cavalry's being there in the whole was not a long Time.

Q. Did he know where the Infantry was when Lord *George Sackville* ordered the Cavalry to march?

A. He knew the whole was upon the Left of the Cavalry, and upon the March: The Cavalry had been there so little while, they could not have formed, as he thinks; for the Cavalry, when they formed, trotted to form, which must bring them up much quicker than the Infantry could come.

Q

Q. How

Q. How long does he apprehend the Cavalry had then been formed there?

A. It is exceedingly difficult to ascertain Time on such Occasions; he measures it by what he did himself; he loaded his Pistols as quick as he could; and Mr. *Ligonier* came in Two Minutes after he returned from having loaded them.

Q. Whether, when thus ordered to march, they were to march in Front?

A. Yes.

Q. Did any of the Enemy's Shot come near the *British* Cavalry?

A. Yes.

Q. Has he ever said since the Battle, that Lord *George Sackville* was apprehensive of the Shot, and wished to be removed?

A. Yes he has very often:—And Lord *George* conveyed to him at the Time, that he did not like being halted there at all; he thinks he remembers his making Use of the Word, being put in a *Hole* there.

Q. In what Sense did he use the Words, that Lord *George* was apprehensive of the Shot?

A. The Line was brought forward, upon his explaining the Ground to be better; and, as soon as his Lordship saw the Shot take place, he remarked to the Witness, the Line was within Shot. He thinks at the Time Lord *George* pointed forward, and said, 'I hope they won't keep us here long.'

Q. (By Desire of Lord *George Sackville*) Does he mean by *apprehensive*, a personal Apprehension, or apprehensive, that That was a bad Position for the Cavalry?

A. The latter undoubtedly.

Q. Whether, if their Position had been forwarder, they would not have come more within Shot?

A. They would not only have been nearer, but they would have been in Sight of the Enemy's Battery, which they were not then.

Q. Had they gone forward, as far as the Windmill, would they not have gone out of (what his Lordship called) the *Hole*, and have had Ground to have acted upon?

A. Yes.

Q. (On his farther Cross examination) How far he supposes the Artillery was from him, when he saw them from the Right of *Bland's* marching on the Left of the Right Wing of Cavalry?

A. He

A. He can't ascertain the exact Length of their Front ; they were upon their Left :—He begs to be excused, as it is so difficult to judge of Distances.

Q. How long was it after he observed the Artillery, before he went with Lord *George Sackville* to the Prince ?

A. He saw the Artillery the whole Time.

Q. Did he see the Artillery in their Way as they went towards the Prince ?

A. He recollects galloping very fast, and that he had seen the Artillery but a Minute before ? but he does not know how they got through them.

Q. What does he understand by the *whole Time* ?

A. He means to say by that,—from his going to load his Pistols, to the Time of his coming back again, and from that Time to their going towards the Prince.

Q. How long does he take that whole Time to have been ?

A. From the Time of his going to load his Pistols to his going with Lord *George Sackville* Part of the Way to the Prince, he does not believe could be so much as a Quarter of an Hour.

Q. What Kind of Ground was the Artillery marching upon ?

A. Very good Ground.

Q. If the Artillery had been halted by Lord *George Sackville's* Order, in how long Time does he think the Cavalry might have passed through upon a middling Trot ?

A. He should think five Minutes, as there were two Lines.

Q. Does he know, or did he ever hear, that Lord *George Sackville* did send Orders for their halting ?

A. No.

Q. Did Lord *George Sackville* continue in the same Spot, when Lieutenant Colonel *Fitzroy* arrived, or had he moved ?

A. He was at the Head of the same Squadron, meaning the *Inniskilling* ; but the Line was in Motion.

Q. Is he sure Lieutenant Colonel *Fitzroy's* Expression was, We bring the *same* Order ; or might it not be qualified, as being the *same* in *some* Respects ?

A. He heard those Words ; but he said Yesterday, that he heard many others ; he could not tell to whom they belonged, and therefore could not swear to them.

Q. Did either of them pretend that the Orders had been delivered by the Prince to the one in the hearing of the other ?

A. He can't absolutely say they did ; he conceived himself at that Time, from what he heard backwards and forwards, they meant to bring the same Order.

Q. Who were the many Persons about Lord *George Sackville* that were speaking together at that Time ?

A. Captain *Lloyd*, Lieutenant *Sutherland*, Captain *Hugo* ; he thinks Lieutenant Colonel *Hotham* — he can't be particular as to any more.

Q. Does he know whether Lord *George Sackville* asked who came last from the Prince ?

A. He can't recollect that he heard it.

Q. Did it appear from any Thing which then passed, that they both came from the Prince at the same Time ?

A. He understood so then.

Q. Did he form this Opinion from their coming so nearly together, or the Similitude of their Orders in some respects ; or from any Thing said by either of them ?

A. He formed that Opinion from their not coming together, as they did not come the same Road ; he heard somebody say then, one came round the Wood, and the other across it.

Q. Does he know that Captain *Ligonier* ever persisted that his Orders should be obeyed, after Lieutenant Colonel *Fitzroy* delivered and insisted upon his ?

A. He knows nothing of persisting in his Orders : he never changed his Orders ; nor did Lieutenant Colonel *Fitzroy* ever change his ; the latter was most pressing in his manner, as he said before.

Q. Whether the Dispute with Lieutenant *Sutherland* proceeded from Captain *Ligonier*'s insisting that Lieutenant Colonel *Fitzroy*'s Order was mistaken, or only that he, Captain *Ligonier*, had not mistaken the Orders delivered to him ?

A. It was only with regard to his own Orders.

Q. Does he know any Reason why Lord *George Sackville* did not order the *British* Cavalry to march to the Left, before he quitted them, instead of sending for them, just as he had passed the Wood, and before he had reached the Prince ?

A. He thought at that Time, from the Wood appearing very thick in the Front of the Front Line, that he did not think it quite so open as he found it at that particular Place.

Q. Did Lord *George Sackville* from the Beginning incline to believe Lieutenant Colonel *Fitzroy*'s Orders in preference to Captain *Ligonier*'s ?

A. The

A. The Deponent thought himself, that Lord *George Sackville* would rather have gone forward in Consequence of Captain *Ligonier's* Orders.—He believes at that Time his Lordship thought Captain *Ligonier* was right.

Q. Does he know any particular Circumstance in going through the Wood, which might have induced his Lordship to send for the *British* only?

A. He can't think of any other, than that Lieutenant Colonel *Fitzroy* came last of the two, except what he mentioned Yesterday.

Q. What was the Distance from the Place where he turned back to General *Mostyn*?

A. He thinks 500 Yards was the most.

Q. What does he take to have been the Distance of Time from Lord *George Sackville* going with Lieutenant Colonel *Fitzroy* towards the Prince, to the Time of the Cavalry's being put in Motion, upon his Return to General *Mostyn*?

A. Two or three Minutes.

Q. Where were the Squadrons of *Hanoverians* he mentioned in his Evidence of Yesterday?

A. The Left of Lord *Granby's* second Line.

Q. Was Lord *Granby's* Division, when he rode up in their Front, halted or in March?

A. They were walking.

Q. How far were the Cavalry advanced upon the Heath when he met Lord *George Sackville* in the Front of a good many Squadrons, in full Trot, and at a very brisk Rate?

A. It was amongst the thickest of the wounded.—(He afterwards explained, that he met Lord *George* with the Cavalry coming towards the thickest of the wounded.)—He thinks it was good three Quarters of a Mile from the Entrance upon the Heath to that Spot, at least.

Q. (By the Court.) Were Prince *Ferdinand's* Orders, which he heard, for forming a third Line in the Rear of the second Line of Infantry, to support them, ever carried into Execution?

A. Yes; he understood, as the Cavalry went over the Heath, it was to do that; and he said Yesterday, when he came back from having been with the *British* Infantry, he found the whole Cavalry halted in the Rear of the Line of Infantry.

Q. Was the Battle over at that Time?

A. They were halted in the Rear of the Line of Infantry, which they were to sustain; which Line of Infantry never saw the *British* Troops till the Action was over.

Q. Is

Q. Is this Line of Infantry now mentioned, the Line which he mentioned Yesterday as the Picquets?

A. Certainly not.

Q. Before the Line of Cavalry was formed in the Rear of the Infantry, had they not marched over the Field of Battle? and, if so, does he imagine this was the Line of Infantry Prince *Ferdinand* meant to be supported?

A. They marched over the Field of Battle; they halted in the Rear of a Line of Infantry, which Line of Infantry he saw in the Front of the Cavalry, moving over the Heath: They halted in the Rear of it afterwards; and he then thought that was the Line they were to sustain.

Q. Did he see any of our Troops engaged with the Enemy after this?

A. No.

Q. Did they come to the Support of any Body of our Troops which were engaged?

A. He saw no Troops engaged that Day.

Q. Does he think the early repeated Orders of Prince *Ferdinand*, to support the Infantry, was fully executed by the then forming themselves in one Line behind this Body of Infantry?

A. That can only be a Matter of Opinion of his: He is ready to answer any Question in the World to a Point of Fact: He wishes he was more able to deliver himself so, that the Court might be able to form any Opinion they would wish.

The Witness, upon the Question being again proposed, excusing himself for the Reason above alledged; and the Opinion of the Court being thereupon desired by Lord *George Sackville*, how far a Witness should be required to speak, as to Matters of Opinion:

The Court took the same into Consideration, and came to the following Resolution, *viz.*

‘ The Court has considered the Matter, upon which a Doubt was suggested, and is clearly of Opinion, that it is not only regular, but in many Cases necessary, to ask the Opinion of a Witness, as collected from the Circumstances which appear to him at the Time; but under what Circumstances they will require an Answer from a Witness, will always be in the Discretion of the Court, and in the present Case the Question is not insisted upon.’

Q. How long was it after Lieutenant Colonel *Fitzroy's* Arrival, that Lord *George Sackville* sent him (the Witness) to fetch up the *British* Cavalry only?

A. A

A. A very little while.

Q. Was not the second Line in Motion before Lord *George Sackville* left the Cavalry to go to Prince *Ferdinand* for an Explanation of his Orders?

A. Yes—He afterwards explained, that he answered, Yes; presuming it to be so from meeting them; but he did not know it before he met them.

Q. At what Distance from the Wood did the Cavalry first form in Line?

A. A great Way on, upon the Heath.—He afterwards explained, that it was a great Way on upon the Heath before they completed the Line.

Q. What Distance was the second Line of Infantry from them at that Time?

A. They were near enough for him to try to discover of what Nation they were.

Q. What Sort of Ground was it for Cavalry to march over?

A. Open Heathy Ground.

Q. Did he follow the second Line through the Wood, or did he pass it at another Place with the Brigade of Cavalry that he conducted through the Wood?

A. The second Line of Cavalry came into the open Part of the Wood, a little to the Left of that Part, which he led General *Moslyn* through.

Q. Does he recollect where the Column of Artillery was when the two Lines of Cavalry were passing the Wood?

A. He recollects seeing a Shot take Place upon one of the Carriages, which he took to be the Rear of the Artillery (just as they were coming into the Wood) a little behind them, rather upon the Left of the Front Line of the Cavalry.

Q. What was the Line of Infantry in the Rear of which the Cavalry halted?

A. They were *Hanoverian* Battalions; as he thinks, the Line of the Army moving on to support those Troops who had run on forward.

Q. How far were the *British* Troops before this Line of Infantry?

A. Among Enclosures, he believes a Quarter of a Mile before them.

Q. Did he hear that that Line of Infantry was halted by any particular Order, or for any particular Purpose?

A. He did not know of any Order; but he understood they halted because they had nothing to do.

Q. How

Q. How long did the Cavalry continue in the Rear of this Line of Infantry?

A. Till he could go to Prince *Ferdinand*, and come back again to fetch them, which he thinks might be under a Quarter of an Hour.

Q. How soon after this were they dismounted?

A. Within the Hour he thinks.

Q. Did the Cavalry during the whole Day charge the Enemy, or support any Body of Infantry which were engaged?

A. They did not charge the Enemy; but they supported the second Line he has spoken of, which he apprehended was the Order; they did nothing else but that.

Q. Did that second Line engage the Enemy any Part of that Day, whilst the Cavalry was near them?

A. No; that Line did not engage the whole Day.

Q. By Desire of Lord *George Sackville*) Did, or did not the Order for making the Cavalry into a third Line to sustain the Infantry, imply the second Line of Infantry?

A. Yes, he understood it so: and he took that to be the second Line of Infantry at that Time.

Q. Where he speaks in a former Part of his Evidence, of the Troops being formed before his going to load his Pistols, and of the Time that intervened between that Circumstance and the coming of Captain *Ligonier*, does he mean their being formed there to relate to the Time when *Malortie* left them, or to the Time of their taking the Position in which they were when Captain *Ligonier* came?

A. When he spoke as to Time, he meant it from the last Position.

Q. Whereabout, upon the Right of *Bland's*, did he load his Pistols?

A. Upon the Right Flank.

ADJOURNED till MONDAY Morning Ten o'Clock.

MONDAY 24th MARCH 1760.

THE COURT being met pursuant to their Adjournment,

CAPTAIN SMITH was farther examined.

Q. IS he well acquainted with the Ground on each Side of the Wood?

A. Yes,

A. Yes, he will endeavour to recollect it as well as he can.

Q. Was Captain Foy's Battery of the Hille or the Minden Side of the Wood?

A. He don't know, he never saw that Battery.

Q. Does he know whether the five or six Guns upon the Extremity of the French Line were silenced by this Battery?

A. No, he knew nothing of the Position of any Batteries at that Time.

Q. Was all the second Line thro' the Wood when he met Lord Granby?

A. He met Lord Granby coming into the Wood: and desired him to go on, and himself went to General Mostyn.

Q. In what Front did the second Line march thro' the Wood?

A. They were so broken and so divided, he cannot charge his Memory.

Q. Could the Cavalry have been quicker formed in one Line by going forward by the Windmill, or by going thro' the Wood?

A. He is no Cavalry Officer, but he thinks by going forward by the Windmill.

Q. Does he know how it happened, that the second Line was always advanced upon the Heath before the front Line?

A. They got upon the Heath first; and the first Line got upon their Flank, as soon as they (the first Line) were formed.

Q. What appeared in their Front, when Lieutenant Colonel Sloper asked him 'If they were going to charge?'

A. He is not sure, that the Rear of the Saxe Gotha Regiment was quite clear of their Front; he saw nothing else.

Q. What Obstructions did the Cavalry meet with on the first of August? How long were they stopped? Where? And by whom?

A. He hopes in the Course of his former Evidence, the Court will be able to extract Answers to these Questions.

Q. Could he clearly and distinctly see Captain Ligonier coming, when he brought the Orders?

A. Yes.

Q. Who came with Captain Ligonier?

A. He thinks he saw Captain Lloyd come along with him; they came along a Gallop together.

R

Q. Were

Q. Were the Officers of the Cavalry, at the Time that *Ligonier* was coming up with his Orders, in the Ranks, or advanced?

A. He cannot be positive as to that.

Q. Did he observe, as *Ligonier* rode along the Front of the *Inniskillings*, an Officer of the Left Squadron ride up to him?

A. He did not see him pass the Left Squadron; he came across directly from the Wood to Lord *George*, he saw nobody speak to him.

Q. Did Captain *Ligonier* pass the Right Squadron of the *Inniskillings* when he brought his Orders?

A. Lord *George* was in the Front of the *Inniskillings*, as he thinks (it was very near) and Captain *Ligonier* came directly up to him.

Q. At this Time was any Officer of the Right Squadron of the *Inniskillings* advanced?

A. He does not recollect there was, at that Time.

Q. Did Lord *George Sackville*, before he had sent Orders to Lieutenant Colonel *Sloper* relating to the *Piquet Poles*, give any Direction, or Orders, preparative to their going upon Action, or give any Advice or Direction relative to it, either to Officers or Men?

A. He does not know.

Q. If the Cavalry had marched as fast and briskly in Squadrons from the Place of their first Formation, to the Place, where he first saw the wounded Men and Horses, as when he met Lord *George Sackville* in the Front of a good many Squadrons in full Trot, and at a very brisk Rate, does he think they could have gone from the one Place to the other in twenty Minutes?

A. He did not see that done, and he cannot answer the Question.

Q. What does he take to be the Distance from the Place, where the Cavalry were first formed, to where he saw the dead Bodies?

A. He cannot positively say, it is so great a Distance.

Q. How far was it from the Entrance of the Wood to the coming out of it?

A. He thinks it could not exceed 100 Yards.

Q. From the Place where the Cavalry first formed in two Lines, after coming out of the Wood, how far was it to the Wood?

A. He

A. He never saw them stand still; the Cavalry was always moving, some Part or other of them; whilst he was with them.

Q. What was the Distance of the Place, where he saw them forming, from the Wood?

A. He cannot say.

Q. Can he recollect, how far the Wood was from the Place where he saw the dead Bodies?

A. He really cannot fix the Distance.

Q. Does he know, or has he heard, whether the Cavalry was in good or bad Order, the Day of the Battle?

A. He never heard any Body say any thing particular of their Condition.

Q. From his own Observation, does he think they would have been able to have trotted a Mile in a Quarter of an Hour?

A. Strait forward, and the Ground good, he should think they would, a Mile.

Q. Does he know, or ever heard, that Lord George Sackville had ordered the Wood to be reconnoitred, or was acquainted what kind of Wood it was?

A. He does not know.

Q. When, and where was it, that he saw the Cavalry march the fastest?

A. They marched the fastest over the Heath: They never moved so fast, at any one Time of the Day, as over the Heath.

Q. Whether he can fix any particular Period of Time at which they marched faster on the Heath than another?

A. He has said, in coming on to the Wounded, he saw them at a full Trot.

Q. When the Cavalry halted in the Rear of the Line of Infantry, from whence Lord George Sackville sent to know if the Prince had any Commands for them, does he know by whole Order they halted?

A. No.

Q. Does he know, whether both Lord George Sackville and Lord Cranby were there, when they halted?

A. He did not see Lord Cranby.

Q. For what Reason did the Cavalry march to the Left, through the Wood, instead of marching strait forward?

A. Lieutenant Colonel Fitzroy's Orders prevailed against Captain Ligonier's.

Q. Did Captain Ligonier's Orders import, that the Cavalry was to march strait forward?

A. He always understood so.

Q. In leading the Cavalry through the Wood, did he not march by Quarter Ranks, as the most expeditious Manner of getting upon the Heath?

A. Yes.

Q. When he was upon the Picquet, the 30th and 1st, did Lord George Sackville ever to his Knowledge reconnoitre the Wood, or the Heath, which was afterwards the Field of Battle?

A. Not that he knows of.

THE REV. Mr. JOHN HOTHAM, Chaplain to the Staff, was sworn and examined.

Q. Does he remember being with Lord George Sackville, when the Cavalry formed in two Lines by Captain Malortie's Order?

A. He does remember being with his Lordship, when the Cavalry formed into two Lines by some Person's Order.

Q. Does he recollect any thing of the Ground upon which the Cavalry was drawn up? and, if he does, desired to describe the Position.

A. The Ground, upon which the Cavalry was drawn up, was, to the best of his Remembrance, Corn or Scrubble Ground, with an Hedge and Enclosures upon the Right; a Wood upon the Left; a Windmill in the Front; and the Village of *Halen* in the Front upon the Right.

Q. How long did he stay there?

A. About five Minutes, as near as he can remember.

Q. How came he then to go away?

A. His Lordship, at the Time that some Cannon Ball happened to ground near the Place where they were, saw him, and asked him—'Are you here yet?' The Deponent said, 'he was—his Lordship answered, 'you have no Business here, it is Time for you to take Care of yourself,' and added, 'Fare you well, we shall be in Action before it be long.'

Q. Where did he go from thence?

A. He walked his Horse to the second Line.

Q. Whom did he speak to there?

A. To General Elliot.

Q. What happened whilst he was there?

A. He saw a foreign Officer come to Lord Granby, and say something to him in *French*—but he did not hear what. As soon as the Officer was gone, Lord Granby and General Elliot said something to each other. General Elliot immediately returned to the Deponent with his Sword drawn; and said, 'we are going to move forward, fare you well.'

Q. How

Q. How long had he been with the second Line, before that foreign Officer arrived?

A. As near as he can now recollect, it was about five Minutes.

Q. Does he now know, who that Officer was?

A. Yes; Captain *Wintzingerode*.

Q. Had he seen that foreign Officer, or any other, bring Lord *George Sackville* Orders after the Cavalry was formed and halted, whilst he staid with the first Line?

A. He does not remember to have seen any.

Q. Did the second Line move soon after the foreign Officer had been with Lord *Granby*?

A. It did; and it appeared to him to move in consequence of what that foreign Officer had said to his Lordship.

Q. What came of him, the Deponent, after that?

A. He staid upon the Spot a short Time, and then went through the Wood, upon the Left; and came upon the Heath, where many of the *British* Infantry lay killed and wounded.

Q. Were the Infantry then advanced far from that Field of Battle?

A. They were advanced to a considerable Distance.

Q. Had any Part of the Cavalry at that Time got through the Wood?

A. He did not see any that had, and he does not think there was Time for them to have done it, as he took the strait Way through the Wood.

Q. Does he mean the Cavalry of the second Line to have marched at the Time he speaks of, or only to have made a Motion?

A. They did move forward towards the first Line; they left the Deponent.

Q. Did they then march through the Wood? or did they halt afterwards?

A. He can't tell; they certainly did not march quite away: he saw them moving, whilst he staid on that Side of the Wood; he really can't say, whether they halted, or not; he left them with the Wood upon the Left of them.

Q. Did they wheel, whilst he saw them.

A. He did not see them wheel; he took very little notice of them, after they moved forward.

Q. How long does he think it might be before he went away himself?

A. A very few Minutes.

Q. Which

Q. Which way did the foreign Officer come at that Time?

A. He appeared to him to have come in a diagonal Line, either as coming out of the Wood, or as coming from the Left of the first Line.

Q. Can he recollect, how far the Wood was from the Place where he saw the dead Bodies?

A. After crossing the Wood he crossed one or two small Corn Fields, and then immediately came upon the Heath; and from thence, a very few Yards upon the Heath, he came to the Place where the dead Bodies were.

Q. Whether, from the Number of dead Bodies, he judged that the Action began there?

A. He saw such a Number of dead Bodies, as to make him very certain, that the Action had been there; and he concludes, it had begun there, because he observed none farther back.

Q. Did he see any Thing of a Fir Grove?

A. He did.

Q. On which Side of the Fir Grove were the dead Bodies?

A. There were some upon the two Sides of it that he saw.

Q. Did he observe, whether there were any French mixed with them, or only English?

A. At first he saw none, but English; afterwards he saw French mixed with English a little Distance from that Spot, nearer to Minden; but very few French.

Q. What Part of the Wood did he come out of?

A. He came straight across it, in such a Manner as to have the Fir Wood upon his Right Hand.

Q. Did he see any Artillery, as he went from the second Line to the first Wood?

A. He does not remember seeing any.

Q. After he was through the Wood, did he see Lord George Sackville?

A. He did not see him, till some Time after the Victory was declared.

CHARLES HOWARD.

WARRANT

FOR HOLDING A

GENERAL COURT-MARTIAL,

For the TRIAL of

LORD GEORGE SACKVILLE.

GEORGE, R.

WHEREAS We were pleased, by Our Commission dated on the thirty-first Day of *October*, One thousand seven hundred and fifty-eight, to appoint *George Sackville* Esquire, commonly called *Lord George Sackville*, then a Lieutenant-general in Our Service, to be Commander in Chief of all Our *British* Forces, as well Horse as Foot, then serving on the *Lower Rhine* in Our Army assembled, or to be assembled there under the Command of Our good Cousin Prince *Ferdinand* of *Brunswick*, Commander in Chief of our said Army, enjoining and requiring him, the said *Lord George Sackville*, to obey such Orders and Directions as should be given him by the said Prince *Ferdinand*, or such other Person as might hereafter be Commander in Chief of our said Army, according to the Rules of War: AND WHEREAS We were pleased by Our Instructions, under Our Sign Manual, bearing Date the same thirty-first Day of *October* One thousand seven hundred and fifty-eight, to direct the said *Lord George Sackville* constantly to put in Execution such Orders as he might receive from Our said good Cousin Prince *Ferdinand* of *Brunswick*, or such other Person as might hereafter be Commander in Chief

Chief of our said Army, according to the Rules of War, with regard to marching, countermarching, attacking the Enemy, and all Operations whatsoever to be undertaken by Our said Troops: AND WHEREAS We have been informed, that the said Lord George Sackville hath disobeyed the Orders of the said Prince Ferdinand of Brunswick, which Charge We have thought fit should be enquired into by a General Court-Martial, OUR WILL AND PLEASURE is, that a General Court Martial be forthwith held on this Occasion, which is to consist of Our Trusty and Well-beloved Sir Charles Howard Knight of the Bath, whom We do hereby appoint to be President thereof, and of Our Trusty and Well-beloved John Huske, John Campbell, Our Right Trusty and Well-beloved Counsellor John Lord Delawarr, Our Trusty and Well-beloved James Cholmondeley, James Stuart, Our Right Trusty and Well-beloved Cousin William Earl of Panmure, Our Trusty and Well-beloved William Kerr commonly called Earl of Ancrum, Our Right Trusty and Well-beloved Cousin William Earl of Harrington, Our Trusty and Well-beloved James Abercromby, Our Right Trusty and Well-beloved Cousin George Earl of Albemarle, Our Trusty and Well-beloved Francis Leighton, Our Trusty and Well-beloved Robert Manners Esquire commonly called Lord Robert Manners, Lieutenant-Generals, Our Trusty and Well-beloved Edward Carr, Our Right Trusty and Well-beloved Cousin Thomas Earl of Effingham, Our Trusty and Well-beloved Robert Bertie Esquire, commonly called Lord Robert Bertie, and Julius Caesar, Major-generals of Our Forces; all of whom, or the said Lieutenant-General Sir Charles Howard President, together with any twelve or more of the said Officers, may constitute the said General Court-Martial: AND you are to order the Provost Martial-General,

General, or his Deputy, to give Notice to the said President and Officers, and all others whom it may concern, when and where the said Court-Martial is to be held, and to summon such Witnesses as shall be able to give Testimony in this Matter, the said Provost-Martial-General and his Deputy being hereby directed to obey your Orders, and give Attendance where it shall be requisite. AND We do further authorise and empower the said Court-Martial to hear and examine all such Matters and Informations, as shall be brought before them touching the Charge aforesaid, and proceed in the Trial of the said Lord George Sackville, and in giving of Sentence, according to the Rules of Military Discipline; which said Sentence you are to return to our Secretary at War, to be laid before Us for Our Consideration: AND for so doing this shall be, as well to you, as to the said Court-Martial, and all others concerned; a sufficient Warrant. Given at Our Court at *St. James's* this 25th Day of *March* 1760, in the thirty-third Year of Our Reign.

BY HIS MAJESTY'S COMMAND;

HOLDERNESSE.

To

Our Trusty and Well-beloved
Thomas Morgan Esquire, Judge-
Advocate-General of Our Forces,
or his Deputy.

AT A GENERAL COURT MARTIAL, held at the Horse Guards, on *Tuesday* the 25th of *March*, and continued by several adjournments to *Saturday* the 5th of *April* 1760, by virtue of his Majesty's Special Warrant, bearing Date the said 25th Day of *March* 1760.

THE HONOURABLE SIR CHARLES HOWARD,
LIEUTENANT GENERAL, President.

JOHN CAMPBELL.
JAMES CHOLMONDELEY.
WILLIAM KERR, EARL OF ANGRAM.
JAMES ABERCROMBIE.
FRANCIS LEIGHTON.
JOHN LORD DELAWARE.
WILLIAM EARL OF PANMURE.
WILLIAM EARL OF HARRINGTON.
GEORGE EARL OF ALBEMARLE.
LORD ROBERT MANNERS.
EDWARD CARR.
LORD ROBERT BERTIE.
THOMAS EARL OF EFFINGHAM.
JULIUS CÆSAR.

CHARLES GOULD, DEPUTY JUDGE ADVOCATE GENERAL.

THE MEMBERS being met, and duly sworn (the Judge Advocate being also sworn, and prosecuting in his Majesty's Name),

THE RIGHT HONOURABLE GEORGE SACKVILLE, Esquire, commonly called Lord *George Sackville*, came Prisoner before the Court; when his Majesty's Warrant of this Day's Date was publicly read; and a CHARGE of DISOBEDIENCE to the Orders of Prince *Ferdinand of Brunswick*, as therein recited, was exhibited against the said Lord *George Sackville*; which Disobedience of Orders was declared to be confined to Orders relative to the Battle of *Minden*.

THE COURT understanding, that they, being constituted by a new Warrant, and under the Authority of another Act of Parliament, must proceed in all respects originally, without regard to any former Proceedings, and that the Examination

tion of all Witnesses (tho' before examined), must be taken *viva voce*, unless otherwise agreed between the Parties;

THE JUDGE ADVOCATE thereupon proposed to Lord *George Sackville*, that the Proceedings had under the former Warrant should be taken, as the Proceedings of this Court, and that the Depositions, being first read to, and confirmed by the several Witnesses, upon Oath, before this Court, shall be taken as good and valid Evidence in this Cause, the Witnesses being at Liberty to make such little Amendments as they should voluntarily offer, in Explanation, or for their own Satisfaction, without going into any new Matter; — he, the Judge Advocate, consenting in Case of this Proposal being accepted, not to enter into any new Examination in Proof of the Charge, nor to produce any other Witnesses, than the Court shall think him intitled to examine by way of Reply;

AND the said Lord *George Sackville* accepting the said Proposal, and signifying to the Court his Consent;

THE DEPOSITIONS of several Witnesses (which, together with the whole Proceedings of the General Court Martial, held by virtue of his Majesty's Warrant, dated the 6th of March 1760, are hereunto annexed), were read to the respective Witnesses, being first sworn as Witnesses in this Cause, and confirmed by them; *viz.*

Lieutenant Colonel *Charles Hotham*, Adjutant General,

Captain *Henry Stubbs*, Major of Brigade,

Lieutenant Colonel *James Johnston*,

Captain *Winzingerode*, Aid-de-Camp to Prince *Ferdinand*,

Lieutenant Colonel *Edward Ligonier*, Aid-de-Camp to

H. S. H.

Honourable Lieutenant Colonel *Charles Fitzroy*, Aid-de-Camp to H. S. H.

Lieutenant Colonel *Robert Sloper*,

Lieutenant General *John Marquis of Granby*,

Lieutenant *John Wogan*,

Lieutenant *John Walsh*, Adjutant to the Royal Regiment of Horse Guards,

Lieutenant *Robert Bisset*, Assistant Quarter Master General,

Captain *Richard Lloyd*, late Aid-de-Camp to Lord *George Sackville*,

Lieutenant *James Sutherland*, Fourrier de la Cour.

ADJOURNED till To-morrow Morning Ten o'Clock.

WEDNESDAY 26th MARCH 1760.

THE COURT being met, several other Witnesses heard their former Depositions read to them, and confirmed the same upon Oath; viz.

Mr. Derenthal, Aid-de-Camp to H. S. H. Prince Ferdinand, (Colonel John Clavering, One of his Majesty's Aides-de-Camp, interpreting his Evidence),

Lieutenant Colonel William Augustus Pitt,

Captain John Smith, late Aid-de-Camp to Lord George Sackville,

Lieutenant Colonel George Preston,

Captain Griffith Williams, of the Royal Regiment of Artillery,

Captain Hugo, late Aid-de-Camp to Lord George Sackville, and now to the Marquis of Granby,

Captain Joseph Broome, late Aid-de-Camp to Lord George Sackville, and now to the Marquis of Granby, as Lieutenant General of the Ordnance,

Reverend Mr. John Hotham.

LORD GEORGE SACKVILLE then proceeded in his Defence, and

LIEUTENANT JAMES SUTHERLAND was again examined.

Q. DID Lord George Sackville send him to *Halen* some time after the Cavalry was formed in two Lines, to see what was doing there?

A. Yes.

Q. Was there any Artillery at that Time passing thro' the Intervals, or upon the left Flank of the Cavalry?

A. Yes, he saw some Artillery pass on the Left of the Cavalry.

Q. What were they?

A. Hanoverian Artillery.

Q. What passed at *Halen*, and when did he return to Lord George Sackville?

A. Upon his Arrival at *Halen*, he found the Picquets formed, ready to make the Attack on the Church-yard, and soon after they succeeded in their Attack; and, on finding that

that they drove the Enemy from the Village, he returned to report to Lord George.

Q. How long was it from the time he went to *Halen*, to his Return to Lord George?

A. He cannot say exactly; it could not be a very long while: He rode very fast both going and coming:—It might be about twelve Minutes.

Q. What did he observe as he came to Lord George?

A. He saw Capt. *Ligonier*, and some one of Lord George *Sackville's* Aides de Camp; he can't say who it was: They were in full Gallop; and immediately after Captain *Ligonier's* Arrival to Lord George, he saw his Lordship draw his Sword, and the whole Line of Cavalry was in Motion.

Q. Did he see any Artillery at that Time passing upon the Flank of the Cavalry?

A. He did, and took them to be the *British* Artillery; as he had heard Lord George *Sackville* order Captain *Williams* to bring them to the Front with all Expedition.

Q. What Part of the Line was Lord George *Sackville* with when he came up to him?

A. To the best of his Remembrance, it was some-where about the Front of the Right Squadron of the *Imiskilling's*.

Q. Is he certain it was not upon the Right of *Bland's*?

A. He is certain, it was not; afterwards said,—he thinks, he is very certain, it was not,

Q. What happened after this?

A. Some Time after the Cavalry was in Motion, Lieutenant Colonel *Fitzroy* arrived, and told Lord George *Sackville*, that he was to march the *British* Cavalry to the Left. Lord George's Answer was, that he was a good deal surprised, as he had just received an Order, by Captain *Ligonier*, for the whole Line to advance; Lieutenant Colonel *Fitzroy* said, that Captain *Ligonier* and he left the Prince at the same Time, and brought the same Order; on which Lord George called out for Captain *Ligonier*. When Captain *Ligonier* came up, he said, he would answer, at the Expence of his Commission, his Honour, and every Thing that was dear to him, that his Order was right: On which Lord George *Sackville* desired them to agree together, and he was ready to execute either Order.

Q. Did they after that both continue positive in their Orders?

A. They certainly did; and Lord George, he thinks, asked, where the Prince was; Lieutenant Colonel *Fitzroy* made

made Answer, ' not a great way off; on which Lord George desired to be conducted to him.

Q. Had he any Dispute with any body, and whom, the Day of the Action, about these Orders?

A. There was a little Dispute between Captain Ligonier and him.

Q. Did he go with Lord George Sackville to the Prince?

A. He did.

Q. What happened, as they rode along?

A. As Lord George was galloping towards the Prince, he gave some Orders, as the Deponent understood, to Captain Smith, who rode back immediately towards the Cavalry.

Q. How far was Captain Smith from the Cavalry, when Lord George Sackville sent him back.

A. Not a great Way; a few hundred Yards, as he thinks; he cannot be positive as to the Distance.

Q. Did they pass the Direction of the Enemy's Batteries, as they rode along?

A. They did, several Balls went over them, and several grounded near them.

Q. Upon his Lordship's speaking to the Prince, did he observe, that the Prince shewed, either in his Words, or Manner, any Disapprobation of his Conduct?

A. No, he received him with his usual Civility: And he heard the Prince give Orders to Lord George to form the Cavalry upon the Moor; but whether in One or Two Lines he cannot say.

Q. Whom did Lord George Sackville send off with the Orders for the Cavalry to form?

A. Captain Lloyd, and the Deponent went with him, to see the orders put in Execution.

Q. Did Lord George Sackville shew to the Prince the Cavalry advancing, before he left the Prince?

A. He did.

Q. Where did the Witness go after that?

A. After he had assisted in giving the Orders for the Cavalry to form upon the Plain, he galloped towards the Infantry, and the first he came up with were the *Hanoverian* Guards: He met Major *Estorff* there, who desired he would ride to the Right, and direct the *British* Infantry, who were then getting themselves in Order to take more Ground to the Right, and march as quick as possible to some Hedges which were in the Front.

Q. What did he observe of the Enemy?

A. Very

A. Very few; for at that Time they were got close to the Walls of *Minden*:—That Part of them, which were in their Front.

Q. When did he join Lord *George Sackville* again?

A. He cannot say exactly; but he joined him when he was halcked in the Rear of some *Hannoverian* Regiments of Infantry.

Q. Can he judge any thing of the Distance between the Cavalry, when they came out upon the Heath, and the *British* Infantry.

A. No, he can't judge of the Distance; they were so far off, he could not see them.

Q. What does he now think the Distance was?

A. Above a Mile a good deal, as he should think, or near Two.

Q. How far does he think it was between the *British* Infantry and the Enemy, when the *British* Infantry were at the Hedges before-mentioned.

A. He can't tell how far they were from the Enemy; but he knows they were about 300 or 1000 Yards from the Town of *Minden*; not more,—so far as he can judge by his Eye.

Q. Does he know any thing of the Wood the Cavalry passed through?

A. Yes, they passed through a Wood.

Q. Had the Witnesses been often in it, or through it, before the Day of Action?

A. He cannot say often; but he was through the greatest Part of it the Day before the Action.

Being desired to describe it;

A. That Part of the Wood near the Windmill is very thick with Thorns and Holly Bushes; and where some of the Cavalry passed, there were Thorns and Holly Bushes; towards the Left of the Wood it was a great deal thinner. If he remembers rightly, there is an Avenue somewhere thereabouts.

Q. Was it nearest to the Enemy going by the Windmill straight forward, or going through the Wood to the Left?

A. Going by the Windmill was certainly a great deal nearer.

Q. (On the cross Examination,) — Whether when he went with Lord *George Sackville* towards the Prince, they found any Impediment from the Artillery?

A. There were some Waggon's he saw, but whether they passed through them he cannot say.

Q. Does

Q. Does he know any particular Circumstance, which leads him to speak with Certainty of Lord George Sackville not being on the Right of Bland's?

A. When Lord George called out for Captain Ligonier, the Witness himself called out for him, and he remembers to have seen him come from the Right, where there were some Cavalry; which Cavalry he afterwards explained to be Bland's.

Q. Did he observe how far Captain Ligonier was to the Right at that Time?

A. He can't say any more than that he saw him come from the Right.

Q. Can he say with any certainty, whether Lord George Sackville had, or had not moved from the Place where Captain Ligonier first came to him?

A. He certainly moved from the Place, because he moved forward.

Q. Can he say whether his Lordship had moved to the Right or Left in that time?

A. He can't say with Certainty.

Q. Did he see Captain Ligonier move from Lord George?

A. He did not.

Q. Can he recollect any circumstance, from which he can speak with Certainty of Lord George Sackville's Situation being towards the Front of the Right Squadron of the Immiskillings, at the Time when Captain Ligonier first arrived?

A. He don't remember any particular Circumstance.

Q. How long does he judge the Cavalry had been in Motion, before Lieutenant Colonel Fitzroy arrived?

A. A few Minutes; he cannot possibly assign any certain Time.

Q. Was there any Difference, other than in the Number of Troops, between the Orders delivered by Captain Ligonier, and by Lieutenant Colonel Fitzroy?

A. He did not hear Captain Ligonier deliver his Orders, but learnt, that his Orders was for the whole Cavalry to advance.

Q. Did he understand at the Time, that Captain Ligonier, either in the Words of his Order, or in the Explanation of it, informed his Lordship that the Cavalry was to go to the Left?

A. No.

Q. When Captain Ligonier contended so earnestly, that he had delivered his Orders rightly, did he mention to Lord George

George Sackville, in what Particular the Orders did or did not differ?

A. Not that he heard; but from his earnest Manner of expressing himself, he conveyed to him, that there was a great Difference in their Orders, and that he seemed to insist upon his Orders being executed, in Preference to Lieutenant Colonel *Fitzroy's*.

Q. Does he apprehend, that any Thing more might have passed betwixt Lord *George Sackville*, Captain *Ligonier*, and Lieutenant Colonel *Fitzroy*, which he did not hear?

A. There might, and there might not; he has related all that he heard.

Q. Can he recollect the Substance of the whole which passed between the Prince and Lord *George Sackville*?

A. He don't recollect any Thing more than he has already deposed.

Q. Was it known to Lord *George Sackville*, that he had been in the Wood, and that it was such as mentioned in his Evidence?

A. Not that he knows of.

Q. Does he know what Part of the Cavalry passed the Wood where the Thorns and Holly Bushes were; and as he did not march with them, by what Means he knows it?

A. He imagines the *British* Cavalry; and he judges so from seeing them come out of that Part of the Wood, where he formerly observed some Holly Bushes and Thorns.

Q. What Part of the *British* Cavalry?

A. The *Blues*, he thinks, were the first he saw.

Q. Does he know of any Obstruction at the Time, if the Cavalry had marched forward by the Wind-mill to the Plain?

A. None, that he remembers; there was some Cavalry, a very small Number, which he took to be Picquets; and a Regiment of Infantry; but whether those were removed, before the Cavalry was in Motion, he does not exactly remember: They had a Battery in their Front besides, near the Wind-mill; he believes it was Captain *Foy's*.

Q. (By the Court.) Which Way did Captain *Ligonier* come, when he brought the Orders to Lord *George Sackville*?

A. He came obliquely from the Left, as the Witness thought, when he observed him; for he was very near Lord *George* when he first saw him.

Q. As Captain *Ligonier* rode along, did the Witness observe an Officer from the Left of the *Inniskillings* ride up to him?

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A. No;

A. No, not that he saw;—he has just mentioned, he was very near Lord *George Sackville* when he first saw him.

Q. How long after Lieutenant Colonel *Fitzroy's* Arrival was it, that Lord *George Sackville* called for Captain *Ligonier*?

A. Immediately after Lieutenant Colonel *Fitzroy's* having delivered his Order.

Q. When Lord *George* shewed Prince *Ferdinand* the Cavalry in Motion, does he think there had been sufficient Time to have put them in Motion from the going back of Captain *Smith*?

A. He can't judge sufficiently to answer that Question.

Q. Can he recollect what Part of the Cavalry it was, that Lord *George Sackville* shew'd the Prince to be advanced?

A. He can't be positive; he knows the *Blues* appeared to him first; but whether they were the Part which Lord *George Sackville* shew'd to the Prince, he can't say.

Q. Where did he join the Cavalry upon the Heath, when he went, as mentioned in his Evidence, with Captain *Lloyd*, to assist in the Execution of Lord *George's* Order?

A. The Cavalry, which he gave Lord *George Sackville's* Orders to, he met before they got to the Heath, as they were coming through the Wood.

Q. Being desired to describe the Ground from that Spot to the *British* Infantry,

A. It was a Sort of Grove, just as they came out of the Wood, where he met them, and beyond that was a rising Ground with some Fir-trees upon it; and beyond that was the Heath.

Q. At the Time he went from Lord *George* to *Halen*, was Captain *Foy's* Battery of the *Hille* or the *Minden* Side of the Wind-mill?

A. It appeared to him to be betwixt the Wind-mill and the Wood. They told him, that was Captain *Foy's* Battery; he was not there himself.

Q. Does he know, whether the four or five Guns upon the Extremity of the Left of the *French* Line were ever silenced?

A. He was told after the Battle, that the *British* Artillery silenced them.

Q. After the Village of *Halen* was carried by our Picquets, did he hear any more Cannon on the Left of the *French* Army?

A. He heard a great many Cannon at that Time, whether *British*,

British, Hanoverian, or French, he cannot tell ; but he dares say of each Nation.

Q. Does he know upon that Spot whether Captain *Foy's* Battery played any more after the Village of *Halen* was taken ?

A. He don't know ; but he should think they did, and continued the Cannonade, whilst the Enemy was within their Reach.

ADJOURNED till To-morrow Morning Ten o'Clock.

THURSDAY 27th MARCH 1760.

THE COURT being met pursuant to their Adjournment,

CAPTAIN RICHARD LLOYD was again called and examined.

Q. DID he see Captain *Ligonier* arrive ?

A. He came with him.

Q. What Orders did he deliver to Lord *George Sackville* ?

A. For the whole Cavalry to advance.

Q. What did Lord *George Sackville* do upon that ?

A. He immediately ordered them to draw their Swords, and put the whole in Motion.

Q. Where was Lord *George Sackville* when he came to him with Captain *Ligonier* ?

A. About the Right of the *Inniskillings*, as well as he recollects.

Q. Is he sure that his Lordship was not on the Right of *Bland's*.

A. He is sure he was not.

Q. Were any other Orders brought to Lord *George Sackville* soon after the Line was in Motion, and by whom ?

A. Lieutenant Colonel *Fitzroy* arrived with Orders for the *British* Cavalry only to move to the Left.

Q. What did Lord *George Sackville* do on this ?

A. He immediately halted the Line, and asked Lieutenant Colonel *Fitzroy*, desiring him not be in an Hurry, but to be distinct in his Orders, where he had left the Prince ; as he had but just received Orders by Captain *Ligonier* to advance with the whole Cavalry.

Q. What did Lieutenant Colonel *Fitzroy* reply upon this ?

A. That he and Captain *Ligonier* had left the Prince at
T 2 the

the same Time, and brought the same Order, or Words to that Effect.

Q. Did Lieutenant Colonel *Fitzroy* insist upon his having made no Mistake?

A. He did insist that his Orders were right.

Q. Was Captain *Ligonier* present at this Time?

A. Captain *Ligonier* was not present when he arrived.

Q. Did he see Captain *Ligonier* come to Lord *George Sackville* soon after?

A. He saw him there very soon after: He might have been there before; but it is possible he might not see him.

Q. Did Captain *Ligonier* own he was mistaken?

A. No; he was equally positive that his Orders were right; and said he would answer it with his Honour and his Commission.

Q. What did Lord *George Sackville* say upon their both insisting upon being right?

A. He said it was very extraordinary; but if they would agree in their Orders, he would execute either.

Q. Did his Lordship then ask whether the Prince was near at hand?

A. He did, and Lieutenant Colonel *Fitzroy* offered to conduct him.

Q. Did he go with Lord *George Sackville* to the Prince?

A. He did.

Q. Did his Lordship give any, and what Orders, as he went along?

A. Captain *Smith* was sent back with Orders to bring the *British* Cavalry to the Left?

Q. Did they pass the Direction of the Enemy's Batteries as they went along?

A. Yes, several Balls grounded near them, and went over them in their Way.

Q. What did he observe whilst Lord *George Sackville* was speaking to the Prince?

A. Some Cavalry appeared upon the Plain, which Lord *George* shewed to the Prince; saying, '*Voila la Cavalerie, qui avance.*'

Q. Did the Prince, either in his Manner, or by any Expression, shew any Disapprobation of his Lordship's Conduct?

A. No; he received his Lordship as usual, with the same Civility he had ever observed him use.

Q. Did he hear the Prince give Lord *George Sackville* any, and what Orders?

A. He

A. He ordered, that the Cavalry should form, and sustain the Infantry.

Q. Did he send the Witness instantly to give that Order?

A. He did, and the Witness spoke to the Officer who led the Line, an *Hanoverian* Officer, whom the Deponent did not know, and he immediately wheeled his Squadrons, and began to form.

Q. What did the Witness do then?

A. As soon as he had delivered his Order, and saw it was going to be put in Execution, he galloped up to the *British* Infantry

Q. What did he observe there?

A. He saw the *French* Cavalry at a Distance; he could distinguish they were Bodies of Cavalry, and that was all?

Q. How far were they from the *British* Infantry?

A. As well as he could judge, better than a Quarter of a Mile.

Q. How far were the Cavalry of the Right Wing, where he left them forming, from the *British* Infantry?

A. It is very difficult to determine the Distance; but he should imagine about a Mile; he can't be positive.

Q. When did he return to Lord George Sackville?

A. In a short Time.

Q. What was Lord George Sackville then doing?

A. Advancing with the Cavalry in Line.

Q. Where did Lord George Sackville halt?

A. In the Rear of some *Hanoverian* Regiments.

Q. Does he remember what other Position the Cavalry took afterwards?

A. The second Line was moved to the Right, and formed fronting the Morass.

Q. What does he know of the Wood the Cavalry passed through?

A. Where he passed through, the Wood was not very thick; but seemed much more so towards the Right.

Q. Had Lord George Sackville continued advancing forward towards the Windmill, as he began to do when Captain Ligonier first came to him, would not the Cavalry have sooner joined the Infantry, than by going through the Wood?

A. It certainly was the nearest Way to the Infantry, and to the Enemy, to go straight forward by the Windmill; they would have done it sooner.

Q. (On

Q. (On the Cross Examination) Whether the whole of the Orders brought by Captain *Ligonier* were for the Cavalry to advance ?

A. That was the whole which he heard ; Captain *Ligonier* said at the same Time, but it was no Part of the Order, ' that the Enemy was in Confusion, and he hoped they should profit from it.'

Q. Does he recollect that Captain *Ligonier* mentioned what the Cavalry were to do when they advanced, or for what Purpose they were to advance ?

A. He has mentioned all he knows of the Order delivered by Captain *Ligonier*.

Q. Did the Cavalry move forward in Front thereupon ?

A. Yes, certainly ; the Order was to move forward.

Q. How far ?

A. A very little Way.

Q. Does he recollect upon their moving forward, Captain *Ligonier's* saying any Thing to Lord *George* ?

A. He did not hear him.

Q. Did he hear any mention of marching to the Left ?

A. He did not ; for he took his Post as Aide-de-Camp as soon as Captain *Ligonier* had delivered his Orders. — He understands his Post as Aide-de-Camp to be before the General Officer.

Q. In that Post, could he hear what passed between Lord *George Sackville* and Captain *Ligonier* ?

A. Words might pass which he could not hear, to be sure.

Q. Does he recollect any particular Circumstance which enables him to speak with Certainty of Lord *George Sackville's* Post at the particular Time of his Arrival with Captain *Ligonier* ?

A. No particular Circumstance, but to the best of his Recollection.

Q. Was Lord *George Sackville* in the same Part of the Front when Lieutenant Colonel *Fitzroy* arrived, as when Captain *Ligonier* first came to him ?

A. In the same Part of the Front ; his Lordship had not moved, except forward,

Q. Did Lord *George Sackville*, at the same Time that he desired Lieutenant Colonel *Fitzroy* not to be in an Hurry, and to be distinct in his Orders, ask where the Princee was ?

A. He thinks it was at the same Time, or immediately after,

Q. Was

Q. Was it agreed both by Lieutenant Colonel *Fitzroy* and by Captain *Ligonier*, that they came from the Prince at the same Time?

A. He don't remember to have heard Captain *Ligonier* say so.

Q. Does he remember, when Lord *George Sackville* questioned them both together concerning the Orders that Captain *Ligonier* mentioned, in what Particulars their Orders did, and did not differ?

A. Captain *Ligonier* never said any such Thing in his hearing.

Q. Where was the Witness at this Time?

A. In the Crowd, amongst the Number of People about Lord *George* at that Time.

Q. Does he apprehend from his Situation at the Time, that this, and more might have been said, and he not have heard it?

A. No, he thinks not; for he was particularly attentive.

Q. Did any other Conversation pass between the Prince and Lord *George Sackville*, besides what he has mentioned?

A. No other, that he heard.

Q. Being desired to describe the Ground between the Right of the Cavalry and the open Field, where the Cavalry might have formed, if Lord *George Sackville* had continued advancing beyond the Windmill;

A. It seemed to him to be open Fields without Enclosures, and fit for Cavalry to march upon without breaking their Order.

Q. In what Front could they have marched?

A. In the same Front they were then in; that is, in two Lines.

Q. Being asked, with respect to the Ground from the Windmill to the Heath, whether there was any Interruption to going upon the Heath?

A. No, there was no Interruption at all.

Q. Was there any Obstruction from Batteries, or otherwise?

A. There was a Battery, because some of the Shot came near the Cavalry;—they grounded in the Front of the Cavalry,—rather towards the Left; and he saw Shot take Place amongst the Artillery, which were in March; he saw an Horse killed.

Q. Does he apprehend the Cavalry would have been more exposed to the Enemy's Battery in marching by the Windmill, or in marching through the Wood?

A.

A. By the Windmill, to be sure.

Q. Suppose the Cavalry had marched by the Windmill, must they, after they had passed it, and come to the Heath, have inclined to the Left, to have gone to the Place where he saw the *British* Infantry?

A. They must have inclined to the Left, to where he saw the *British* Infantry, as they were upon the Left of the Wood.

Q. Must they not have gone as far to the Left as where the Cavalry came out of the Wood?

A. He is not certain as to the Distance; he should think not quite so far.

Q. Being desired to explain how it would then have been nearer to have gone by the Windmill?

A. Because the Cavalry in going through the Wood went towards the Rear.

Q. Did he see the Cavalry come through the Wood?

A. He saw them come out of the Wood.

Q. When the Cavalry came out of the Wood, how much does he think they had marched towards their Rear.

A. It seemed to him, as well as he can recollect, to be some hundred Yards.

Q. Had the *British* Infantry been engaged when he went to them?

A. They certainly had; the Engagement appeared to him to be over.

Being desired to describe the Ground between the *British* Cavalry of the Right Wing, and the Body of Infantry he then saw;

A. It was mostly Heath, open Ground.

Q. Was the whole Heath?

A. The Spot, upon which the Infantry were halted, had a hedge in their Front; but it was mostly Heath.

If the Cavalry had gone at a brisk Trot from the Place where he saw them formed, to where he saw the Infantry, does he think they could have got there in a Quarter of an Hour?

A. He does not know what a single Horse or a single Squadron might do; but he should think a Line of Cavalry could not.

Q. Did he see the *British* Cavalry charge that Day, or support any Body of the Infantry, during the Action?

A. The Cavalry could not have charged, as no Enemy was within their Reach, from the Time of their passing the Wood. The Engagement was over, as well as he could observe,

observe, before they could get up to the Infantry: he means, after the Order given by Prince *Ferdinand* himself.

Q. By whose Order did they halt in the Rear of the *Hanoverian* Regiments?

A. He don't recollect who brought the Order particularly, or whether it was left to Lord *George Sackville* to halt there, as he was then close upon them, and near enough to sustain.

Q. Was the Witness there in Person?

A. Yes.

Q. Did he take that to be the second Line of Foot?

A. There was but one Line that he saw at that Time.

Q. Did he see the *British* Infantry at that Time?

A. No, they were to the Left; he did not see them at that Time.

Q. Does he know whether the Action was over when Lord *George Sackville* shewed the Prince the Cavalry coming upon the Heath?

A. He can't say that he does know it.

Q. Was the Action begun before he left the Prince?

A. He does not know.

Q. If Lord *George Sackville* had continued moving forward with the Cavalry by the Windmill, how far could they have advanced upon the Plain towards the Enemy without diminishing their Front?

A. As far as the Enemy, he believes.

Q. Does he know, whether Lord *George Sackville* put in Execution any Part of the Order, as he understood it to have been delivered by Captain *Wintzingerode*?

A. All that he knows of that, is, that the Regiment of *Saxe Gotba*, which was in their Front, was ordered to be removed; and that the Witness was sent by Lord *George Sackville* to reconnoitre the Position of the Infantry, when he met Captain *Ligonier*, and returned with him.

Q. When he went with Lord *George Sackville* to the Prince, does he recollect who was with the Prince?

A. He cannot possibly recollect; he remembers seeing Lieutenant Colonel *Fitzroy*, who went before them.

Q. While he was upon the Right of the Wood, did he know upon what Spot of Ground the *British* Infantry then were?

A. He could not know the Spot of Ground exactly; but by their Situation in the Line, when encamped, he knew they must be somewhere to the Left.

Q. Can he recollect any Obstruction or Impediment which

the *British* Cavalry met with on the 1st of *August* last? If halted, where? and for what Reason? and by whom?

A. They were halted first of all by the Order of Mr. *Malortie*; and he does not recollect any other Halt, till they came to the Rear of the Infantry. The Impediment was certainly the Wood, which obliged them to change their Front, and march in small Bodies.

Q. Does he know any Reason whence it happened, that the Left of the Cavalry was always advanced upon the Heath before the Right?

A. He can't say he knows any Reason; nor did he observe particularly that it was so.

Q. If the Cavalry had advanced in two Lines by the Windmill, would any Part of the Wood, or the Artillery, have been of the least Impediment to them?

A. No; certainly not, in his Opinion.

Q. Would the Artillery have been of any Impediment, if they had marched to the Left, at the Time the Cavalry did march?

A. Not at the Time it did march.

Q. Did Lord *George Sackville*, to his Knowledge, observe to any of the Persons who brought him Orders, that going by the Windmill would have been the shortest Way to have put in Execution Prince *Ferdinand's* Orders?

A. He did not hear his Lordship observe that; but the immediate Obedience that was paid to Captain *Ligonier's* Order, shewed which of the Orders appeared the best to his Lordship.

Q. Did Lord *George Sackville* send to reconnoitre the Spot on which the *French* Battery was?

A. He can't say that he knows he did.

Q. As he came with Captain *Ligonier*, did he see any Officer of the Left Squadron of the *Inniskillings* ride up to Captain *Ligonier*?

A. He don't recollect to have seen any; they rode full speed, and he does not remember his stopping.

Q. Which Way did they come, Captain *Ligonier* and he?

A. He met Captain *Ligonier* upon the Skirt of the Wood next the Cavalry, towards the Windmill.

Q. Did they ride along the Front of the Cavalry, and how near the Cavalry?

A. They made directly from that Part of the Wood towards the Right of the *Inniskillings*, where Lord *George Sackville* was.

Q. Could

Q. Could he distinguish by his Eye where Lord *George Sackville* was at that Time, or had he left him at the Right of the *Iniskillings*, which occasioned their going directly across thither?

A. He could distinguish by his Eye.

LIEUTENANT BISSET, Assistant Quarter Master General, was again called and examined.

Q. Did he see Captain *Ligonier* come to Lord *George Sackville*?

A. He did.

Q. Did he hear the Order?

A. No.

Q. What did Lord *George Sackville* do after receiving the Order?

A. He made the Cavalry draw their Swords, and put the Line in Motion.

Q. Can he recollect where Lord *George Sackville* was at the Time of Captain *Ligonier*'s Arrival?

A. He cannot recollect.

Q. Can he give any Guess where abouts?

A. He should imagine it was not to the Right of the Cavalry; but can give no farther Guess.

Q. Did he see Lieutenant Colonel *Fitzroy* come?

A. He did.

Q. Did he hear his Orders?

A. He did not.

Q. Did he hear at that Time what the Orders were reported to have been by the Persons nearer to Lord *George Sackville*?

A. He did, and Captain *Ligonier*'s was to advance with the Cavalry, and *Fitzroy*'s with the *British* only.

Q. Did he see them dispute about their Orders?

A. He was too distant to hear the Words of the Debate; but did perceive they were in Dispute about something. He approached nearer in order to hear, at which Time Lord *George Sackville* was asking, if he could be carried to the Duke, which Lieutenant Colonel *Fitzroy* undertook to do. He asked, what the Conversation was, before he came within hearing, and was told, it was about which Order should be obeyed.

Q. Did he hear that any Thing had passed in regard to the Time of their leaving the Prince, and of the Messages they brought?

A. He was told by some of the People, who said they had heard

heard the Orders, and the Dispute about them; that they came from the Prince with the same Order, and at the same Time.

Q. Did he go with Lord *George Sackville* to the Prince?

A. He did,

Q. Did they cross the Direction of the Enemy's Batteries in going?

A. They undoubtedly did.

Q. When Lord *George Sackville* joined the Prince, did he perceive the Prince express in Words, or Manner, any Disapprobation of his Lordship's Conduct?

A. He did not perceive he did.

Q. Did he see, whilst he was with the Prince, the Head of the Column of Cavalry coming out of the Wood?

A. He did,

Q. Where did he go then?

A. He went to the Left in the Rear of the Attack.

Q. What did he observe there?

A. He observed the Infantry greatly advanced upon the Heath, to be pushing the Enemy, and to have considerably gained Ground of them. At this Time he met many of the wounded Officers coming off the Field: He then returned to Lord *George Sackville*. Captain *Roy* was with the Deponent all this Time.

Q. Did he go to the Infantry?

A. A very little Time after he did; at which Time he found them formed in one Line. The Enemy were then quite out of Sight; but as it was generally imagined that the Enemy's Line was formed behind the Houses, and, as the Regiment he serves in was in great want of Officers, he returned to Lord *George Sackville* to obtain his Permission to serve in the Regiment; which Lord *George* approved of, and granted him. He then joined the Regiment, and knows nothing farther.

Q. Did he see any of the Enemy after he joined the Regiment?

A. He did not, till after the Army was formed in their last Position, when he saw the Enemy's Infantry in the Hedges of *Minden*.

Q. Has he any particular Circumstance, upon which he founds his Conjecture, that Lord *George Sackville* was not to the Right of the Cavalry, at the Time Captain *Ligonier* arrived?

A. The Right of the Cavalry were near the Hedges in the

the Front of *Hartum*, and he does not recollect being near those Hedges at the Arrival of Captain *Ligonier*.

Q. Was he within hearing of the Order?

A. No.

Q. What was reported at the Time to have been the Difference between the two Orders?

A. That Lieutenant Colonel *Ligonier*'s was for the whole Cavalry, and Lieutenant Colonel *Fitzroy*'s for the *British* only. That was the whole of the Difference, as he understood it.

ADJOURNED till To-morrow Morning Ten o'Clock.

FRIDAY 28th MARCH 1760.

THE COURT being met pursuant to Adjournment,

CAPTAIN FORBES MACBEAN, of the Royal Regiment of Artillery, attended, and, upon Oath, confirmed his former Deposition.

LIEUTENANT JOHN WHITEFORD, of the *Inniskilling* Regiment of Dragoons, was sworn and examined:

Q. Where was he posted during the Action on the 1st of August last?

A. In the Center of the Center Rank of the right Squadron of the *Inniskilling* Dragoons; he carried the Standard.

Q. Did he see Captain *Ligonier* come towards Lord *George Sackville*?

A. He did.

Q. Where was Lord *George Sackville* at that Time?

Q. At the Time when he saw Lord *George Sackville*, he was at no great Distance from the Squadron where he was.

Q. Can he ascertain the Spot.

A. He cannot.

Q. What was done upon Captain *Ligonier*'s coming to Lord *George*?

A. The Cavalry soon after drew their Swords, and advanced.

Q. Had Lord *George Sackville* been at the Right of *Bland*'s, could he have seen his Lordship from his Situation?

A. He

- A. He is not certain; he believes not.
- Q. Does he remember marching by the Left into the Plain?
- A. He remembers marching by Quarter Ranks to the Left.
- Q. Where did they form on coming upon the Heath?
- A. Behind Part of the first Line; he believes behind the Blues.
- Q. What did they do after that?
- A. They extended to the Right, and formed in one Line.
- Q. Did they advance then?
- A. They did.
- Q. Where did they halt?
- A. He does not exactly remember where they halted; but thinks in the Rear of some *Hanoverian* Battalions.
- Q. Does he remember taking any other Position after that with the Cavalry?
- A. To the best of his Remembrance they took a Position fronting *Minden*.
- Q. Did he know whether the Battle was over, when they passed over the killed and wounded?
- A. He did not.
- Q. Did he see any Thing in Lord *George Sackville's* Looks, Manner, or Behaviour, on that Day, different from what he observed at other Times?
- A. He did not.
- Q. (On the Cross Examination) Did he observe Lord *George Sackville* at the Time of Captain *Ligonier's* delivering his Orders to him?
- A. He did not.
- Q. Did he see Captain *Ligonier* come up to his Lordship?
- A. No.
- Q. Can he say at that particular Time where Lord *George Sackville* was?
- A. He cannot.
- Q. When was it that he saw Lord *George Sackville*, as referred to in his Evidence?
- A. Soon after having seen Captain *Ligonier*, about the Time the Troops advanced.
- Q. Did he hear or observe his Lordship give Orders to the Troops to march?
- A. He did not.
- Q. Does

Q. Does he apprehend, if his Lordship had been at the Centre of *Bland's*, he could have seen him?

A. He can fix no Distance at which he could have seen his Lordship.

Q. Does he apprehend, if his Lordship had been in the Front at the Right of the *Inniskillings*, he should have heard him give Orders to march?

A. If he had spoke very loud, he should.

Q. What was the Interval between the Regiment of *Inniskillings* and *Bland's*?

A. He does not know.

CAPTAIN HUGO was again called and examined (Lieutenant Colonel *Irving* interpreting his Evidence.)

Q. Did he see Captain *Ligonier* arrive?

A. Yes, he did.

Q. What did Lord *George Sackville* do in consequence of Captain *Ligonier's* coming to him?

A. He gave Orders for the Line to draw their Swords, and march.

Q. Did he see Lieutenant Colonel *Fitzroy* arrive?

A. Yes, he did.

Q. Did he perceive any Dispute between Lieutenant Colonel *Fitzroy*, Captain *Ligonier*, and Lord *George Sackville*, in relation to the Orders they brought?

A. Yes, there was a Dispute.

Q. What did he apprehend was the Substance of what passed upon that Occasion?

A. Lord *George Sackville* halted the Cavalry, saying, there was a Difference in their Orders: That he did not know which of the two to obey: The Witness was not conversant enough in *English* to understand all the Conversation; but it appeared to him they were both certain of their Orders.

Q. Where did Lord *George Sackville* go after that?

A. To find the Duke.

Q. Did he go with Lord *George Sackville*?

A. Yes.

Q. What Pace did he go?

A. A Gallop.

Q. Does he remember Lord *George Sackville* sending back Captain *Smith* with any, and what, Orders in their Way to the Duke?

A. He remembers Lord *George Sackville* sent back Captain *Smith*;

Smith; as he understood, for carrying *Fitzroy's* Orders into Execution.

Q. How long did Lord *George Sackville* stay with the Prince?

A. A little while, he can't fix it.

Q. Did he perceive, either by the Prince's Manner or Conversation, any Disapprobation of Lord *George Sackville's* Conduct?

A. When he saw the Duke, he did not observe any Thing particular.

Q. What did he observe upon Lord *George Sackville's* Return towards the Wood?

A. He saw the second Line forming with Lord *Granby*.

Q. What was the next Order Lord *George Sackville* gave him?

A. His Lordship sent him to the *Hanoverians* of the first Line, who had remained on the other Side of the Wood, to give them Orders to come and join him.

Q. Did he bring them to Lord *George Sackville*, as soon as he could?

A. Yes, he did.

Q. When did he join Lord *George Sackville*?

A. At the Time that the Cavalry had marched up to the Rear of a Line of *Hanoverian* Infantry, and, that the second Line was marching to take a Position near the Marsh.

Q. Does he know where Lord *George Sackville* was, when Captain *Ligonier* brought his Orders?

A. He does not know at the Head of what Regiment: He has forgot.

Q. Does he remember Lord *George Sackville* sending the Rev. Mr. *Hotham* away from the first Line?

A. He does.

Q. Does he recollect the Time, or any particular Circumstance?

A. He don't exactly remember the Time; but he thinks Lord *George Sackville* told him, it was not his Business to stay there longer; or something to that Effect.

Q. (By the Court.) Was the Line of Infantry, behind which the Cavalry was halted, the Picquets employed to attack the Village of *Halen*?

A. It was a Line of intire Battalions; he does not know whether the Picquets might not have joined their Regiments; it was a Line of seven or eight intire Battalions.

Q. Does he know, whether those Battalions were ordered there to support the Attack of the Village?

A. He does not know by what Order, or for what Purpose they were there.

Q. Does he know whether these Battalions belonged to the second line?

A. He does not know.

Q. Does he know whether the Village was in Possession of the French at the beginning of the Day?

A. He heard it was some Time of the Day, but don't know at what Time.

Q. Did he hear Captain *Ligonier* deliver his Orders?

A. No.

Q. Did he hear the Conversation of the Difference of the Orders himself, or had he it only from others?

A. He heard it himself.

Being desired to relate what appeared to him to be the Difference between the two Orders:

A. The Difference appeared to him to be, that Lieutenant Colonel *Ligonier* had brought the Orders for the whole Line to advance; and Lieutenant Colonel *Fitzroy* for the British only to advance to the left.

Q. Where did they find the Duke?

A. They found H. S. H. after having passed the Wood, between that long Wood, which was on their Right, and the Firr Grove, as he thinks.

Q. Did he hear the whole Conversation which passed between the Prince and Lord *George Sackville*?

A. No.

Q. (By the Court) How long was it from the Time of Lieutenant Colonel *Fitzroy*'s coming, to the Time of Lord *George Sackville*'s sending back Captain *Smith*?

A. A short Time, but he can't fix it.

Q. Was the Engagement with small Arms over, when he was with the Prince along with Lord *George Sackville*?

A. He does not know as to the Engagement with small Arms, but he heard some Cannon at the Time?

Q. Does he think, if there had then been an Engagement with small Arms, that he was near enough to the Infantry to have heard it?

A. He does not know where the Infantry was; and therefore can't say, whether he could have heard it; all he can say is, that he don't recollect to have heard it.

Q. Does he now know the Spot, where the Infantry was engaged?

A.

A. Yes.

Q. Does he think, from the Distance of that Spot, from the Place where the Prince then was, he could have heard them?

A. Yes; he should think so.

Q. Who commanded the seven or eight Battalions which he has spoken of?

A. Indeed he does not know; but he thinks he saw Major General *Scheele* with them at that Time.

Q. Was Prince *Ferdinand* with them at that Time?

A. No; he did not see the Prince with them.

Q. Does he know where the Prince was at that Time?

A. No.

Q. How long did Captain *Wintzingerode* stay with Lord *George Sackville*?

A. A few Minutes; he thinks he answered that before.

Q. Was it apprehended, when he was (along with Lord *George Sackville*) with the Prince, that the Enemy had given Way?

A. He don't remember to have heard any Thing about it.

LIEUTENANT COLONEL *HOTHAM*, Adjutant-General, was again examined.

Q. Whether he remembers any Motion made by the first Line from Captain *Wintzingerode's* coming to Lord *George Sackville*, till Captain *Ligonier* delivered his Orders?

A. He does not remember any Particular enough to have struck him.

Q. Does he remember Captain *Ligonier's* coming to Lord *George Sackville*?

A. He does.

Q. What Orders did he deliver to Lord *George Sackville*.

A. That H. S. H. ordered the Cavalry to advance, and he added, the Enemy is retiring (or in Confusion) *Et il vous prit d'en profiter*.

Q. What did Lord *George Sackville* do upon that?

A. He ordered the Troops immediately to draw their Swords and move forwards.

Q. Did he see Lieutenant Colonel *Fitzroy* arrive?

A. He did not.

Q. Where was he sent?

A. His Lordship sent him to look to the second Line.

Q. What were they doing, when he went there?

A. The Left of the second Line, if he remembers right, not in March) were in Motion.

Q. Who

Q. Who was with them?

A. The Deponent saw Lord *Granby* at the Right of the second Line, and Captain *Wintzingerode* speaking to him.

Q. Did the Witness speak to Lord *Granby*?

A. He did not, because he presumed Captain *Wintzingerode* was giving him Orders; and therefore he returned to the first Line.

Q. Did he find Lord *George Sackville* there?

A. He did not.

Q. When did he join Lord *George Sackville* again?

A. He did not meet his Lordship again, till he was upon his Return from H. S. H. as he told the Deponent.

Q. What happened then?

A. The Cavalry of the second Line were then forming; and all he recollects of it is, that they marched, and formed as they marched, till they arrived to the Rear of some *Hanoverian* Infantry, where they halted.

Q. Did he see the first Line form up with the second?

A. At the Moment of his joining Lord *George Sackville*, he don't recollect to have seen the first Line, but he saw them afterwards, as they moved on.

Q. Were they formed with the second Line afterwards in one Line?

A. The two Lines were formed into one Line, when they halted in the Rear of the *Hanoverian* Infantry.

Q. Did he see Lord *Granby* bring Lord *George Sackville* any Order that Day?

A. He did not.

Q. Does he remember the making any Halt upon the Heath, after they began to march from forming, till they got in the Rear of the *Hanoverian* Infantry?

A. He believes there were, now and then, occasional Halts to dress the Line; but he does not remember any in particular.

Q. Does he remember Lord *George Sackville* giving any Order for halting the Line in their March?

A. He does not remember he did.

Q. Did he carry any, and what Order, to Lord *Granby*, after they were in the Rear of the *Hanoverian* Infantry?

A. After they were in the Rear of the *Hanoverian* Infantry, Lord *George* ordered him to stop Lord *Granby*, upon the Cavalry's making a Movement to the Right, or upon an Order being given for the second Line to form upon the Right of the first; but is not sure which.

Q. Has he the Orders of the Second of August, the Day after the Battle?

A. He has.

Q. Are the Prince's Thanks in those Orders given, totally to General *Wungenheim*, or only to the Corps of Troops under his Command, without taking any Notice of the General?

A. To his Corps.

The Witnesses being desired to produce the Order, he did so; and read the same to the Court, as follows:

Sudhemeren, Aug. 28, 1759.

" His Serene Highness orders his greatest Thanks to be given to the whole Army for their great Bravery and good Behaviour Yesterday; particularly to the British Infantry, and to the two Battalions of *Hanoverian* Guards, and to all the Cavalry of the Left Wing; and to General *Wungenheim's* Corps, particularly to the Regiments of *Holstein* and *Hessian* Cavalry, and to the *Hanoverian* Regiment de Corps and *Hammerstein's*. The same to all the Brigades of Artillery.

" His Serene Highness declares publicly, that, next to God, he attributes the Glory of the Day to the Intrepidity and extraordinary good Behaviour of these Troops, which, he assures them, he shall retain the strongest sense of, as long as he lives; and if ever, upon any Occasion, he shall be able to serve these brave Troops, or any one of them in particular, it will give him the utmost Pleasure.

" His Serene Highness orders his particular Thanks to be likewise given to General *Soroken*, the Duke of *Holstein*, Lieutenant Generals *Imhoff* and *Urff*. His Serene Highness is extremely obliged to the Count de *Buckeburg*, for all his Care and Trouble in the Management of the Artillery, which was served with great Effect. Likewise to the commanding Officers of the Brigades of Artillery, viz. Colonel *Browne*, Lieutenant Colonel *Hutte*, Major *Hafe*, and the three English Captains, *Phillips*, *Drummond*, and *Foy*. His Serene Highness thinks himself infinitely obliged to Majors General *Walgrave* and *Kingsley*, for their great Courage, and the good Order in which they conducted their Brigades. His Serene Highness farther orders it to be declared to Lieutenant General the Marquis of *Granby*, That he is persuaded, if he had had the good For-

"tune to have had him at the Head of the Cavalry of the
 "Right Wing, his Presence would have greatly contrib-
 "uted to make the Decision of the Day more compleat,
 "and more brilliant. In short, his Serene Highness or-
 "ders, that those of his Suite, whose Behaviour he most
 "admired, be named; as the Duke of Richmond, Colonel
 "Fitzroy, Captain Ligonier, Colonel Watson, Captain Wil-
 "son, Aid-de-Camp to Major General Waldegrave; Adju-
 "tant General Bristerff, Bulow, Derindall, the Count Fobe,
 "and Mallort; his Serene Highness having much Reason
 "to be satisfied with their Conduct: And his Serene High-
 "ness, desires and orders the Generals of the Army, that
 "upon all Occasions, when Orders are brought to them by
 "his Aides-de-Camp, they be obeyed punctually and with-
 "out Delay."

Q. Upon the first March of the Army, after the Battle,
 what Post was assigned Lord George Sackville?

A. He believes his Lordship led the second Line of the
 whole Army.

Q. Did not Lord George Sackville continue leading the Se-
 cond Line for many Marches following, and doing all other
 Duties according to his Rank, as usual?

A. To the best of his Remembrance he did.

Q. In what Manner are the Orders given out to the Al-
 lied Army?

A. At the same Time the Adjutant General of the Army
 gives them out in *German* to the Majors of Brigade and
 Aides-de-Camp, he gives them likewise in *French* to the De-
 pendent, as Adjutant General of the *British*, who gives them
 in *English* to the *British* Majors of Brigade and Aides-de-
 Camp.

Q. Has any other Nation an Adjutant General, besides
 our own?

A. He knows of no Adjutant General in the Army, but
 the Adjutant General of the Army and himself, except Ma-
 jor Bristerff, who is an Assistant Adjutant General.

Q. Has the Prince Aides-de-Camp from the different Na-
 tions?

A. He has Aides-de-Camp from the *British*, *Hanoverians*,
 and the *Hessians*: He has likewise *Prussian* Aides-de-Camp;
 but none, he thinks, from the *Brunswick* Troops.

Q. Does he remember, when the *British* Troops first
 joined the Allied Army in *Germany* under the Duke of Marl-
 borough, whether any or all of the Prince's German Aides-de-
 Camp

Camp were given out in Orders, in that Capacity, to the British Troops?

A. He does not remember any of H. S. H. Aides-de-Camp being then given out in Orders, except Captain *Ligonier*.

Q. Does he remember whether any of the Prince's German Aides-de-Camp were given out, in Orders to the British Troops, as long as Lord *George Sackville* remained in Germany?

A. He does not remember that any.

ADJOURNED till Tomorrow Morning at Ten o'Clock.

SATURDAY 29th MARCH 1760.

THE COURT being met pursuant to Adjournment,

LIEUTENANT COLONEL HOTHAM was cross-examined,

Q. WHAT does he take to have been the Distance between the two Lines in their first Position?

A. He don't know the exact Distance between the two Lines; but he supposes there might be about three or four hundred Yards?

Q. How many Squadrons would have been left behind, if Lord *George Sackville* had immediately complied with Lieutenant Colonel *Fitzroy's* Orders, in marching with the British only?

A. In Answer to that Question, he begged Leave to refer the Court to the Disposition of March delivered in by him; and thence found it to be Ten Squadrons.

Q. With which Line of Cavalry did he march?

A. He did not march with either.

Q. What were the Hanoverian Infantry he has spoken of?

A. He thought them Battallions at the Time; but does not know, whose they were.

Q. Were Mr. *Malottie*, Captains *Wintzingerode* and *Dereuthall*, and Lieutenant Colonel *Fitzroy*, reputed Aides-de-Camp to Prince *Ferdinand*?

A. Lieutenant Colonel *Fitzroy* was given out in Orders, as Aide-de-Camp to His Serene Highness. The other Gentlemen, he apprehends, were looked upon as such in the Army.

Q. Does he know whether Lord *George Sackville*, during the Course of the Campaign, obeyed Orders received from Officers reputed Aides-de-Camp to Prince *Ferdinand*?

A. He

A. He knows nothing to the contrary.

Q. Does he know, whether the Situation of our Infantry was known to Lord George Sackville, and those about him, at the Time Captain Wintzingerode brought his Orders?

A. He cannot take upon him to say whether it was, or not.

Q. (By the Court.) Does he think going through the Wood, the Way the Cavalry did move, or going on forward by the Windmill, would have been the nearest Way to the Place where the Engagement was?

A. As he was not with the Cavalry when they marched through the Wood; and as, of course, he does not know what Part of the Wood they marched through, he can give no Answer to that Question.

Q. Did Captain Wintzingerode speak to him when he saw him with Lord Granby?

A. He has a faint Remembrance of having met with Captain Wintzingerode in the Course of the Day; but where it was, and what Conversation passed between them, he really cannot remember.

Q. When they came to the Rear of that Line of Infantry, did he think then they were in the Rear of the Army?

A. His Idea of that Infantry then was, that it was Part of the Line of the Army.

Q. At the Head of what Squadron was Lord George Sackville, when Captain Ligonier delivered his Orders, and Lord George gave Orders to draw Swords, and march?

A. Lord George Sackville, he thinks, was then at the Head of one of the Squadrons of Bland's, or the Inniskillings; but he cannot take upon him to say which.

Q. Is he sure that Lord George Sackville was not upon the Right of Bland's?

A. He is by no Means sure of it; but he rather thinks not.

Q. Might he have heard Lieutenant Colonel Sloper give the Word to march?

A. As he cannot ascertain the Spot where Lord George Sackville then was, and as he does not recollect to have seen Lieutenant Colonel Sloper then, he can give no Answer to that Question.

Q. After Lord George Sackville had given the Word, March, did he hear any Order given by any Officer to march?

A. He don't recollect he did.

Q. From his own Observation, how far were the Orders brought by Wintzingerode, Ligonier, and Fitzroy, carried into Execution?

A. He

4. He can give no Answer to the Orders brought by Lieutenant Colonel Fitzroy, as he has said he did not see Lieutenant Colonel Fitzroy bring any Orders; and he cannot presume to take upon him to be a Judge how far any other Orders may or may not, have been obeyed.

LORD GEORGE SACKVILLE informing the Court, That he should not trouble them with any more Witnesses, but should hope to be indulged with a Day, or two, to digest the different Heads of Evidence; and to commit to writing such Observations as he might find it necessary to lay before the Court for their Consideration.

The JUDGE ADVOCATE, as prosecuting in His Majesty's Name, observed, That Lord George Sackville had, in his Defence, impeached the Credibility of Lieutenant Colonel Sloper in many Respects; and especially by examining several Witnesses, to prove that his Lordship did not appear to them to be at all alarmed or confused during the Course of the Day; and proposed by way of Reply, to support the Credibility of this Witness, 1st By producing other Officers of the Cavalry then under his Lordship's Command, to speak as to their Judgment of Lord George Sackville's Appearance at different Times on that Day; And, 2^{dly}, by examining other Persons to corroborate the Testimony of this Witness, by shewing that he gave the same Account, in general, at the Time, and within a short Time after, as he has given upon the Trial.

And in regard Lord George Sackville had endeavoured to prove, that he was not where Lieutenant Colonel Sloper, and other Witnesses for the Crown, had supposed him to be; and that it was therefore impossible for the said Lieutenant Colonel Sloper to have heard what he has asserted concerning him; the Judge Advocate proposed, 3^{dly}, To examine other Witnesses to establish the Testimony of the former, by shewing that his Lordship was, in Fact, where their Evidence had supposed him to be.

LORD GEORGE SACKVILLE thereupon objected to the two first of the said Proposals, urging amongst other Reasons by him offered, that the Veracity only, and not the Credibility of the Witness, had been impeached; and therefore, that there was no Pretence, in Reply, to examine any Persons to establish, what had not been attacked; and that examining other Persons, as to their Opinion of his Appearance, was going into new Proof to enforce the Charge; which ought not to be admitted in Reply.

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BUT the Prosecutor still contending for the Examination of these Witnesses, and alledging, that the Circumstance of his Lordship's Appearance was not relied upon, as a Point essential to the Charge (which was Disobedience of Orders only) but an incidental Matter mentioned by a Witness, of which Advantage had been taken to invalidate his Credit; and that the other Matter proposed, was to answer the general Impeachment of the Witness's Credibility, and especially to shew, that his Testimony was not influenced by the implied Censure of Prince *Ferdinand's* Orders;

THE OPINION of the Court was desired thereupon, who directed all Persons to withdraw; and the Matter having been fully under Consideration,

A QUESTION was put, Whether the Court should now admit any new Witnesses to prove, that Lord *George Sackville* appeared to them, at different Times in the Course of the Day, to have been alarmed and confused, in order to corroborate that Part of Lieutenant Colonel *Sloper's* Evidence, which relates to Lord *George Sackville's* Appearance?

And the Court is of Opinion in the *Negative*; because that appears to the Court to be a Circumstance, which may materially operate in support of the Charge.

ANOTHER QUESTION was then put, Whether the Court should admit Evidence in Confirmation only of Lieutenant Colonel *Sloper's* having declared to the same Effect, as in his Deposition now before the Court, at the Time, or within a short Time afterwards.

And the Court is of Opinion in the *Affirmative*, because the Credibility of Lieutenant Colonel *Sloper's* Evidence does appear to the Court, in some Respects, to be impeached by Lord *George Sackville*.

THE JUDGE-ADVOCATE then informed his Lordship, by Direction of the Court, that they would, in their Adjournment, consider of a reasonable Time for his Lordship's putting together his Thoughts upon the Evidence, and closing his Defence; and that, to save Time, he would now proceed to examine some Witnesses, in Confirmation of Lieutenant Colonel *Sloper's* Testimony, pursuant to the last Resolution of the Court.

LIEUTENANT GENERAL THE MARQUIS OF GRANBY, was then examined.

Q. Whether Lieutenant Colonel *Sloper*, within a short Time after the Action, related to his Lordship any Thing about the Orders, which Lord *George Sackville* had received

in his (Lieutenant Colonel Sloper's) Hearing, and his Opinion relative to Lord George Sackville's obeying or not obeying them?

A. A Day or two after the Battle, he cannot exactly say what Day (very soon after) Lieutenant Colonel Sloper told him, that *Wintzingerode*, Colonels *Fitzroy* and *Ligonier*,—he cannot remember the Order in which they were placed—had come with Orders for Lord George Sackville to march, and form a third Line to support the Foot (it was something to that Purpose, he cannot recollect the Words that were used) and that his Lordship did not obey them.—To the best of his Knowledge he said, Lord George was in an Hurry, or confused, or something to that Purpose, he cannot remember the Expression.

Q. Does he recollect, whether this was said by Lieutenant Colonel Sloper before the Prince's Orders of the 2d of August.

A. He cannot positively take upon him to say, but to the best of his Recollection, it was upon the Day; it was in the Morning that he spoke to him, but he can't positively take upon him to say, whether it was that Day, or not.

LIEUTENANT COLONEL EDWARD HARVEY, of the *Inniskilling* Regiment of Dragoons, being sworn, was examined.

Q. What Lieutenant Colonel Sloper related to him soon after the Battle of *Minden*, and how soon, about the Orders delivered to Lord George Sackville in his Hearing, and his Opinion relative to his Lordship's obeying, or disobeying them?

A. On the second of August, about Two or Three o'Clock, the Deponent returned to Camp with a Detachment, and meeting Lieutenant Colonel Sloper, expressed his Concern strongly to him, that the Cavalry had not had a Share of Glory the Day before, and asked him how it came about; he immediately replied, "By the Misbehaviour of Lord George Sackville." He don't pretend to remember the Words, but the Facts were so strong, it is impossible for him to forget them. On further Inquiry, Lieutenant Colonel Sloper told the Deponent, that an Aid-de-Camp of the Prince's had delivered Orders to Lord George for a Movement of the Cavalry to be made to the Left, in order to sustain the Infantry. That, on an Hesitation to the Obedience of this Order, he had himself said to Lord George Sackville, that the Order received could mean nothing, but a Movement to the Left; that he observed personal Confusion; and that, instead of the Order being complied with, Time was trifled away.

away. — This is the Purport of the Conversation which Lieutenant Colonel *Sloper* delivered to him.

Q. Can he say whether this Conversation was had before the Orders of that Day for the *Feu de Joye*?

A. He can't exactly answer to the Time, but it was above an Hour before his Regiment of *Immiskillings* received the Order.

LIEUTENANT COLONEL LIGONIER was again examined,

Whether he can say, with Certainty, where he delivered his Orders to Lord *George Sackville*?

A. He delivered his Orders at the Right Squadron, at the Head of *Bland's* Regiment.

Q. Does he remember seeing Lieutenant Colonel *Sloper* near, when he delivered his Orders?

A. Immediately after he delivered his Orders, he not only saw, but spoke to Lieutenant Colonel *Sloper*.

Q. Did Lieutenant Colonel *Sloper* take him by the Arm, or aside?

A. He leant upon his Arm.

Q. What Discourse passed?

A. Lieutenant Colonel *Sloper* desired him, "Repeat your Orders to Lord *George*, that he may not pretend not to understand you: He has received the same Order half an Hour ago from *Wintzingerode*;" or Words to that Effect; Lieutenant Colonel *Sloper* farther said to him, "You see the Condition he is in."

Q. (*By desire of Lord George Sackville.*) What does he think was meant by the "Condition he is in?"

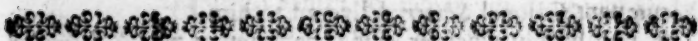
A. That Lord *George* was perplexed—he can't say, why?—confused.—Lieutenant Colonel *Fitzroy* had delivered his Orders for the *British* Cavalry to advance, before this Conversation between Lieutenant Colonel *Sloper* and him passed.

Q. What does he apprehend Lieutenant Colonel *Sloper* intended? Might he not mean the Confusion to arise from the Difference of Orders?

A. He did not explain to him what it meant: He observed his Lordship was confused; but he could not tell from what Motive, he judged?

It being now Three o'Clock, the COURT (willing to give Lord *George Sackville* all reasonable Indulgence towards finishing his Defence)

ADJOURNED till WEDNESDAY Morning next, at Ten o'Clock.



WEDNESDAY 2d APRIL 1760.

The COURT being met pursuant to ADJOURNMENT,
LORD GEORGE SACKKVILLE summed up his Defence,
as follows;

“ I AM now come to that Period, when the Influence of Prejudice can no longer affect my Case, when the true State of it will at length be laid open, and every Man may form his Judgment, not from any partial Representations, but from his own Reason and Conviction. This is the Point to which I have always wished to conduct it, and to attain which, I have solicited a Trial.

The Difficulties which attended the granting that Trial are sufficiently known; and I have now the Pleasure of expressing the Satisfaction it gives me that they were all obviated.

I hope, I have shewn already my Sense of that Favour, by contributing every thing in my Power to facilitate the Proceeding. I endeavoured to reduce my Examination of the Witnesses to a few particular Points; I have troubled the Court with no unnecessary Objections; and in Defence to them, I have willingly given up the calling Witnesses to any collateral Points: If in any Instance I have given the Court the Trouble of hearing an Ojection, it was not so much from the Intention of objecting, as from an Apprehension, lest my Desire of being tried should establish a Method of Trial, that might hereafter prove fatal to the Profession, to which I had the Honour to belong, and for which I shall ever retain the sincerest Regard.

I should have deserved worse of my Country, had I suffered some Things, that your Resolutions have condemned, to pass by my Silence into a Precedent, than if I were convicted of the worst Crimes, that the Malice of my Enemies ever dared to impute to me.

Whatever was peculiar to my own Case, I have never suffered to become the Subject of the least Doubt. The Court knows, that I at once admitted my Commission and Instructions without being read; nor ever desired to know by what
Au-

Authority or Commission the Troops of *Great Britain* became subject to the Orders of Prince *Ferdinand*.

The Attention of the Court to my Case gave me the utmost Satisfaction; and I cannot omit expressing my Sense of the patient Hearing, they have given, to so long and tedious an Examination.

I said at first, that I should lay before them the whole State of my Case, as it appeared upon the Evidence for and against me. The great Length to which the Evidence has run, obliges me to trouble them with a very long Narrative; in which I shall state all the Facts, refer to the Evidence in general, where there is not much Dispute; and, where there is, I shall state the Evidence more particularly; after the Facts are all established, I shall then submit to the Court a few Observations upon them. In my Narrative, I am obliged to begin at the same Period with the Evidence in Support of the Charge.

Immediately upon the Army's marching into the Camp at *Hille*, on the 29th of *July*, the Generals were required in the public Orders to reconnoitre the nine *Debouchers* leading into the Plain of *Minden*, and I was at the same Time appointed Lieutenant General of the Day. In that Duty I attended at Head-Quarters all the Morning of the 30th, and remained there, till I went in the Afternoon to relieve Lieutenant General *Imhoff* in the Command of the Picquets of the Army. The next Day, in visiting the Posts of the Picquets, I reconnoitred the Ground, as far as any Officer in my Command ought in Duty to have gone. The Prince of *Anhalt* relieved me about Five in the Afternoon; and in my Return to Head-Quarters, to make my Report, I sent off Colonel *Watson*, the Deputy Quartermaster General, and Captain *Smith*, with Directions to reconnoitre the Avenues from the Camp into the Plain of *Minden*, that I had no Opportunity of visiting. I remained some Time at Head-Quarters to make my Report; and when I arrived at my own, Colonel *Hotham*, Adjutant General of the *British* Troops, brought me the Order, that had been given out only at Six o'Clock that Evening, (the supposed Neglect of which was made the Introduction to the Charge against me) for the Troops to be in Readiness at One in the Morning, the Horses of the Cavalry to be then saddled, but not to strike Tents, or march, till farther Orders; and for the Generals to make themselves acquainted with the Avenues leading from the Camp into the Plain of *Minden*. The Orders concerning the Troops, he had sent to the Brigades; those relating to the Generals I had already anticipated,

anticipated, as far as the Duty of the Picquets would permit me to reconnoitre; and the Night made it impossible for me to do more.

Neither these Orders, nor any other Circumstances at that Time, could give me the least Suspicion of an Engagement next Morning.

The Orders for saddling had been frequently given to the Army for a Fortnight before; and the Silence of the Prince, when I reported to him the State of the Picquets, where every thing was quiet, left me no Ground to imagine, that there had appeared that Afternoon any Signs of the Enemy's intending to attack us.

Between Five and Six in the Morning I was waked by the Firing of some Cannon on the Right of the Camp: No Orders had been sent to me, nor had I then any Reason to imagine, that the Order to strike Tents, and march, had been sent to the Line. Soon after I had a Message from General *Sporcken*, that the Troops were getting under Arms; and before my Horses were brought out, Major *Stubbs* came to me from the Line; I immediately galloped up with him, without even waiting for any of my Aide-de-Camps, and had the good Fortune to be at the Head of the Cavalry, before any other General Officer of that Division had joined them; I call it my good Fortune, because it might have happened in the Confusion of that Morning, to me, as it did to other People, not to have been so early at my Post; and yet, I think, I should not have deserved any Blame from his Serene Highness.

When I came up to the Line, all was ready for the March; and the Infantry, which I passed, not more ready than the Cavalry. I had no Reason then to enquire, whether the Orders, sent to the Brigades, for saddling at One, had been obeyed: It is certain now, that they had; but tho' they had not, yet (as the Cavalry was equally ready with the rest of the Army) I should not have chosen to have thrown upon the Field Officers, whose Duty it was to attend to the immediate Execution of such Orders, the Charge of neglecting this Duty, which has since been so unjustly imputed to me.

I immediately formed the Cavalry in Column; and, as the Guide appointed for it was arrived, I marched a considerable Time before the Orders to march (which amidst the Hurry of the Morning had some how miscarried) were delivered to Colonel *Hotham*: Upon the March, the other Generals and my Aide-de-Camp came up; Major *Erstorff* soon brought me an Order to form into Squadron, which was done

done directly. The March proceeded after this at such a Pace as was proper for bringing the whole Column up in good Order. The Account given of it by Captain *Smith*, the only Witness who saw the Line pass, proves, that the Squadrons were hurried in the Rear: Yet I am accused by one Witness of the Slowness of this March; a strong Instance, how imperfect a Representation is commonly given of each Circumstance of an Action, when Officers attached by their Duty to a particular Post, pretend to form an Opinion of what is, or may be done in other Places.

The Circumstance is otherwise of no Moment; for, in Spite of the Confusion of Orders, the Cavalry arrived at its Ground a considerable Time before the Column of Infantry had entered the Plain. With whatever Promptitude then H. S. H.'s Orders were obeyed by the rest of the Army, I must beg Leave to say, that the Cavalry of the Right Wing, under my Command, was intitled to the same Praise.

The Guide, who conducted the Column, was ordered to lead it to the Wind-mill near *Halen*; as we were marching thither, Captain *Malbort* came up, ordered me to form in two Lines, which was immediately done near the Village of *Hartum*, and to wait there for further Orders. The Cavalry had then upon its Right the Village of *Hartum* and Inclosures, which ran close upon the Flank of the Lines; on its Left a long Wood, and the Country only open to the Front, where the Wind-mill of *Halen*, our original Point of Destination, stood: The particular Spot, where we first halted, was too narrow to contain the Front, and Captain *Smith* having discovered, that the Ground widened to the Right in the Front, I advanced a little forwarder, and there halted again. I was by no Means satisfied with this Situation of the Cavalry, thus separated from even the View of the rest of the Army, hemmed in on both Sides, and likely to be exposed during this Inaction to some Batteries of the Enemy. While I was waiting impatiently for Orders, Captain *Williams* of the Artillery came to me from Captain *Phillips*, to acquaint me, that the heavy Brigade of Artillery had marched from its Ground without any Orders, and desired to know, if I had any particular Directions for them. As I imagined, they might have been forgot in that Hurry, which always attends the Surprise of an Army, and was certain, there could be no Design of leaving the *British* Artillery behind, without sending to H. S. H. I took upon me to order them to advance in Front, where I did not doubt they would find Employment, and where afterwards they did such signal Service.

The

The only Way they could advance, was by following the *Hanoverian* Artillery along the Left Flank, or through the Intervals of the Cavalry, till they came into the Wood. Every Circumstance of my Situation at that Time, when I was left to form the best Judgment I could of the State of Affairs, conspired to persuade me, that the Cavalry could have no Way to act, but by moving forward; the Intelligence of the Guide, the Difficulties of the Ground towards the Right and Left, and the Knowledge I had, that the Ground beyond the Wind-mill, which I had reconnoitred, was open and extensive, all led me to this Supposition. The first Object that appeared to me, was a Body of Infantry in the Front, towards the Right, which for a little while was cannonaded by the Enemy, but soon afterwards made a Movement to the Village of *Halen*, and seemed beginning to attack it. I immediately concluded, that the future Operations for the Cavalry might depend upon the Success of that Attack, and therefore sent Captain *Sutherland* to reconnoitre it. But soon after that Captain *Wintzingerode* came up to me full Gallop, and in great Haste delivered me an Order in *French*; his Hurry made him express it indistinctly, and I desired him to repeat it; and he then said, as I understood, "That it was the Duke's Orders to form the Cavalry into one Line, making a third Line to sustain the Infantry, and to advance." I had no Difficulty to comprehend the general Intention of this Order, when it was repeated, as it agreed with every Observation I had been able to make: The Attack of the Village of *Halen* by our Troops; the Firing chiefly in Front; an open Country there; Inclosures and Obstructions upon every other Quarter, made it impossible for me to doubt, that the Intention of the Orders was, that the Cavalry should move forwards, which indeed the Word *advance* sufficiently of itself expressed. Captain *Wintzingerode* having repeated his Orders, galloped off, and I immediately made the necessary Dispositions for putting the Order in Execution. I am obliged here to interrupt the Course of my Narrative, in order to consider the seeming Contradiction of the Evidence with regard to the State of Captain *Wintzingerode's* Order. I have said only the seeming Contradiction, because, I think, Captain *Wintzingerode's* Account of these Orders may be reconciled to that given by the Witnesses in Defence; and I think myself obliged, in Justice, to the Candor that Gentleman discovered in his Examination, to endeavour to give the Court the Satisfaction of clearing up the Obscurity that hangs over that Part of his Evidence.

Colonel

Colonel *Hotham*, Captain *Hugo*, Lieutenant *Bisset*, and Captain *Broome*, have all stated the Order which they heard Captain *Wintzingerode* deliver. Captain *Lloyd*, who came up while Captain *Wintzingerode* was with me, has stated, what he understood, from the People about me at that Time, to be the Order delivered : All these five Gentlemen took the Sense of the Order to be the same as I have stated it, to form the Cavalry into one Line, as a third Line to support the Infantry, and to advance.

Captain *Wintzingerode* does not remember the Words he used in delivering the Order : he told the Court, that he communicated the Orders of H. S. H. as they were given to him : Before that, he had said that H. S. H. had ordered him to give Orders to me, to advance with the Cavalry of the Right Wing to sustain the Infantry, which was going to be engaged ; and that afterwards the Duke of *Richmond* joined him, after he had gone a few Paces, and added from H. S. H. that he should tell me to form with the Cavalry of the Right Wing upon the Heath in a third Line, behind our Regiments. These are the Orders, the Sense of which, as he says, he communicated to me ; and the Order, which so many Gentlemen remember delivered to me, is expressive of the general Sense of these, a little more particular, but not at all contradictory to them. But Captain *Wintzingerode* proceeded to say, that I did not seem to understand his Orders, but asked him, How that was to be done ? and that he explained to me, that I was to pass through the Trees to the Left, and then to form ; and that I asked him again several Questions, How that was to be done ? and he repeated to me, what he had been saying. Five Gentlemen present did not hear this Explanation ; Colonel *Hotham* thought the Orders required no Explanation ; Captain *Hugo* was convinced that I understood the Orders, and persuaded by the Orders given to him, that I was going to put them in Execution. All the five agree, that the Orders were repeated, and that they never heard them otherwise explained, than by repeating them.

Captain *Wintzingerode* does not remember, that he repeated his Orders ; and it is very natural to suppose, that what he now takes to be an Explanation of his Orders, was only the second Relation of them, which all the Witnesses heard.

This accounts easily for the seeming Contradiction in Captain *Wintzingerode's* Deposition, and proves what was said at first, that there would be no Occasion to call his Veracity in Question ; but had that been the Case, there is no doubt, that more Credit is to be given to the Testimony of many Witnesses

swearing to the Words they heard, than to the Testimony of one Witness swearing to the Words he spoke, supposing even that Captain *Wintzingerode* had remembered his Expression, which he does not.

I need hardly take Notice of the Questions that were put to those Gentlemen on the Cross-Examination, with a Design to shew, that Captain *Wintzingerode* might have added an Explanation that they did not hear; for, in the first Place, their Testimony is positive, that the Orders they heard, and they heard them twice, were, that the Cavalry should form one Line as a third Line to sustain the Infantry, and to advance. In the next Place, it must have been a poor Explanation, that could possibly escape the Attention of so many Gentlemen all present, all understanding the Order contrary to the supposed Explanation, and all attentive to the Manner of that Order's being delivered. The Witnesses taken singly, say, that it was possible, though not probable, such an Explanation might have been added, without their hearing it; but their Testimony taken together shew, that it was not only improbable, but morally impossible, that such an Explanation should have been added, and passed unheard by any of the Witnesses then present. Perhaps it may be thought by some, (by this Court, I presume, it will hardly be thought) that Colonel *Sloper's* Deposition explains or strengthens Captain *Wintzingerode's* Evidence on this Article: I was in Hopes to have had no further Occasion to have mentioned this Witness. My first Observation on his Evidence tended to shew from his own Testimony, with what Zeal he had often declared himself as a Witness against me: I am now obliged to the Judge-Advocate's Reply, for a much better Proof of the early Expressions of his Malice against me; a Proof, which, in my Apprehension, instead of restoring him, as it is called, to his Credibility, evinces to all the World, That Colonel *Sloper* had talked himself into this Situation, that he must either endeavour, by his Conversation and Testimony, to accomplish my Ruin, or I must have brought Colonel *Sloper* to Punishment for the Discourses he held against me in the Army. It was attempted to be shewn, that he had held this Language before the Prince's Orders of the 2d of *August*. Lord *Granby* was uncertain as to the Time, and as to the Conversation; Colonel *Harvey* only says, that it was an Hour before the Orders were delivered to his Regiment. But every body knows, that the Orders are publick several Hours before they can be circulated to the Line. I shall make no other Observation on this new Matter of Evidence, but acknowledge my

my Obligations to the Judge-Advocate for supporting the general Credibility of Colonel *Sloper*, which had not been attacked, by proving that he was under a stronger Bias than perhaps ever attended any Evidence, to support his Charge. But supposing Colonel *Sloper's* Credibility to stand now as little impeached, as it did before the Evidence brought in Support of it, I shall shew, that his Testimony with regard to Captain *Wintzingerode's* Order, is not only contradictory to the Testimony of Colonel *Hotham*, Captain *Hugo*, Captain *Broome*, Captain *Lloyd*, and Lieutenant *Bisset*, but that in material Instances it is contradicted by other Witnesses, for the Charge is inconsistent with other Facts proved, and even inconsistent with itself.

Colonel *Sloper* sets out with saying, that just after the Line was formed, Captain *Wintzingerode* came up to me; the Reason of fixing his Arrival at this Period, is obviously to protract the Interval between Captain *Wintzingerode's* Order and the Arrival of Captain *Ligonier*. Colonel *Hotham* and Captain *Hugo* both agree that the Cavalry had been formed Half an Hour before Captain *Wintzingerode* arrived; this is but their Opinion it may be said; be it so; but the Marquis of *Granby* shews by his Deposition, that he thought there was a pretty considerable Interval between the Cavalry forming in Lines and Captain *Wintzingerode's* first coming up even to the second Line. But supposing the Marquis of *Granby's* Opinion was no better founded than Colonel *Hotham's* and Captain *Hugo's*, Lieutenant *Bisset's* Deposition proves a Matter of Fact that ascertains this Interval. He left me after the two Lines of Cavalry were formed, rode by a Detour of a Mile and an Half into the Plain, spoke to Colonel *Robinson* of the Infantry there, returned, and was with me when Captain *Wintzingerode* arrived.

Captain *Wintzingerode* left the Infantry, as he has told the Court, after it had formed in a Line, and had advanced above a Hundred Yards from the Place where they had formed towards the Enemy. Lieutenant *Bisset* left the Cavalry formed in two Lines, and found the Infantry, when he reached the Plain, still in a Column. Needs there any further Proof, that the first Circumstance, by which Colonel *Sloper* has introduced Captain *Wintzingerode's* Order, he has either mistaken or mistated? The former I cannot suppose, for he has relied very much, in the Course of his Deposition, upon the early Arrival of Captain *Wintzingerode*, as a Circumstance on which he founds his Opinion of my Disobedience. He told Captain *Ligonier* that Captain *Wintzingerode*

rode had delivered his Orders Half an Hour before him, which would have agreed exactly to the Time of the Cavalry's first forming. He has departed from that Assertion since, and the Time is now, by his own Deposition, but a Quarter of an Hour; it remains then that he must have mistated it.

Colonel *Sloper* proceeds from this Circumstance to state the Orders, which he admits were twice repeated in *French*; and so far he agrees, with the other Witnesses; but the Orders he states are so very different, that it is impossible by any Means to reconcile his Deposition to that of the other Gentlemen who have sworn to this Article. The short Question then is, Whether the Testimony of Colonel *Sloper*, falsified as it is, in other Instances, and delivered, as it was, with such Circumstances of Malice and Prejudice, is to be taken here in Contradiction to the unfulfilled Testimony, I should be absurd, to say of four or five Gentlemen, but even of one Man of common Credit? But Colonel *Sloper's* Relation of this Circumstance is in some Respects different from Captain *Wintzingerode's*; Colonel *Sloper* makes him repeat his Orders the third Time in *English*; Captain *Wintzingerode* contradicts him. This last Gentleman says, when he left me, he was firmly persuaded that I was going to give Orders for advancing. Colonel *Sloper*, in Contradiction to him, represents me as still in doubt, and submitting very readily to his unasked Opinion. None of the Officers who were present with me recollect any Thing of Colonel *Sloper* on this Occasion; nor does he remember any of the Orders I then gave to my Aides-de-Camp: and it is hardly to be conceived, that his offering an Opinion of the Orders, so different from every other Officer present, must not have been remarked by some of them; or that he should not have heard the Orders I gave, had he been then present. These Observations, I think, entitle me to say again, that Captain *Wintzingerode* is the only Witness upon this Part of the Charge: and I hope I have sufficiently proved to every Man's Conviction, what were the Orders delivered by him, and that they were no otherways explained than by repeating them.

I will however suppose for the present, that Captain *Wintzingerode* had added to the Orders he is proved to have delivered, an Explanation, that the Movement was to be to the Left, through the Trees. This at most was but his Sense of the Manner of executing the Order, and not the Direction of the Order itself; and surely a General Officer may be allowed to question even an Aide-de-Camp's Explanation of the

the Orders he brings ; he came from the Left, and probably knew no other Way for the Cavalry to advance. It is proved to the Court by Captain *Sutherland* and Captain *Williams*, who had both viewed the Ground the Day before the Action, and also by Captain *Lloyd* and Captain *Smith*, that the shortest Way for the Cavalry to have come into the Action, would have been by advancing by the Wind-mill. Was Captain *Wintzingerode's* Information (however able or observant he might be) of what he saw on a Gallop, to be absolutely depended on against all other Appearances? If the Explanation of moving to the Left was to be received, the Order could not be immediately executed in that Way, for the Artillery was then passing on the Flank, and continued passing a much longer Time than was necessary for removing the *Saxe-Gotha* Regiment, the only Obstacle to the advancing forwards ; yet the Orders were to be executed immediately, according to the supposed Explanation ; the Foot were just going to engage, and the Cavalry were to be hastened : But it may be said the Artillery could have been halted ; had there been no other Way for the Cavalry to advance but by the Left, it must have been halted. But setting aside all other Circumstances that could induce me to prefer advancing forwards, this Circumstance alone was sufficient to make me hesitate on the Explanation of going to the Left, when that Movement could not be made without doing material Prejudice to the Service, by delaying the Artillery, which was so much wanted in the Front.

I now return to shew, what were the Measures I took for putting in Execution the Order, " To form the Cavalry into " one Line, making a third to sustain the Infantry, and to advance." The literal Obedience to it, required me to attempt forming the two Lines into one as a third to sustain the Infantry, and then I was to advance. The Court remembering the Position of the Cavalry at that Time, surrounded on each Side by Woods and Inclosures, will easily conceive, that the Situation of the Wood on the Left, which must have intersected such a Line, might create a reasonable Hesitation in any Man, as to the Manner of advancing.

I resolved to take the Steps I thought most necessary for the Execution of the Order. I immediately ordered Captain *Hugo* to clear my Front of the *Saxe-Gotha* Regiment, which would, till it was removed, prevent our advancing. I ordered Captain *Broome* to go forward to reconnoitre the Position of the Enemy, and I sent Captain *Lloyd*, another Aide-de-Camp, to find out

our

our Infantry, and to report to me their Situation, that I might then judge, in what Manner and by what Movements I could best fulfil H. S. H's Intentions. For I could never think I should have done my Duty, had I precipitately marched the Cavalry into a Wood, without knowing whether it led from, or towards its Destination. I would not be understood in the least to insinuate, as if I imagined the Difficulty of obeying the Order literally, a sufficient Excuse for not carrying the Spirit of the Order into Execution: But I must think, that taking every Step that could enable me to form my own Judgment of the true State of Facts, from whence alone I could be enabled to act according to the Spirit of the Order, was paying all possible Obedience to it. It became then in my Apprehension my first Duty to procure all the necessary Information I could: When I had discharged that Duty, I should then, if I had found it necessary, have risked the literal Disobedience of my Orders, and have advanced the Cavalry formed, as they were in two Lines, as far as the Plain beyond the Wood, and then have made the necessary Movements for the sustaining the Infantry, when the Ground would have best allowed it.

Whether the Measures I took were the most proper, or whether I have acted with the same Ability, as many before whom I now stand would have done in the same Situation, I shall not presume to say; but I hope no Body can think, after the Steps I did take, that I can be suspected of having intentionally disobeyed the Orders I received; and I must further observe, that had I by hastily obeying the Orders of Captain *Wintzingerode*, brought any Misfortune upon our Cavalry (if the Intention had been taken of blaming me) I might now have been standing at your Bar for having given too much Credit to Orders brought by an Officer not properly authorised to deliver them to the *British* Troops.

But suppose the Orders of Captain *Wintzingerode* had been, as has been asserted, to move to the Left; and that there had been no Obstruction, neither from the Wood, nor from the Artillery, let any one consider only, what was the Space of Time in which I was to act, and what was the Extent of the Lines I was to put in Motion. The Interval of Time that elapsed between Captain *Wintzingerode's* leaving me, and the Cavalry's actually advancing, by the most undoubted Evidence, is proved not to exceed seven or eight Minutes. Colonel *Hotham* says, it was between five and ten Minutes; Lieut. *Bisset* says, about seven or eight: All the Witnesses

nesses in general (excepting indeed Colonel *Sloper*, who makes it on one Occasion half an Hour, and on another a Quarter) are of the same Opinion. But the Uncertainty of any Opinion with Regard to Time, so strongly appearing in all the Depositions, has determined me upon every material Interval to endeavour to obtain a more convincing Proof. Captain *Hugo*, who during this Space galloped about two hundred Paces, delivered an Order, and returned, swears from the Knowledge of what he then did, that the Time was not above seven or eight Minutes. Captain *Lloyd*, from the like Reason, gives the same Evidence. If this Concurrence of Facts and Opinions could leave the smallest Doubt in any Mind, Captain *Wintzingerode's* Evidence, who says, that galloping from me he met Colonel *Fitzroy* galloping towards me, who joined me, as every Body knows, after the Cavalry was in Motion, proves to Demonstration, that there could not have been above six or eight Minutes in which I was to act. The Lines which were to be put in Motion during that Time, consisted of twenty-four Squadrons; and had the Order been given for marching from the Left immediately upon Captain *Wintzingerode's* leaving me, the Squadrons upon the Right could not have begun to move before the Arrival of a different Order. The Generals who understand the Movements of Lines, will know I am right in this Assertion. Hitherto I have not supposed the *Saxe-Gotha* Regiment any Obstruction to moving forwards, nor desired any Allowance of Time upon that Account. It has been admitted, however, that five Minutes might be necessary for that Purpose, when it was even treated as the most trifling Obstruction. Supposing it to have employed no longer Time, it is sufficient to account for the whole Interval that I am supposed to have remained inactive. For Captain *Hugo* immediately returned after delivering his Orders; and before the Front was quite clear of that Regiment, the first Line was in Motion. Immediately after Captain *Hugo's* Return, Captain *Ligonier* arrived with Captain *Lloyd*, whom a few Minutes before I had sent to reconnoitre the Position of the Infantry. The Orders that Captain *Ligonier* delivered to me, are fully stated in Colonel *Hotham's* Deposition, That H. S. H. ordered the Cavalry to advance; and he added, as the Reason of the Order, the Enemy is retiring, or in Confusion, "*et il vous prie d'en profiter.*" The other Officers who were near me, understood the Orders in the same Manner. But it is unnecessary to trouble the Court with referring to their Depositions; for Captain *Ligonier* himself agrees with Colonel *Hotham*, and
says,

says, that the Orders he brought was to advance with the Cavalry, in order to profit from the Disorder which appeared in the Enemy's Cavalry.

Colonel *Sloper*, as usual, differs from all the other Witnesses, and asserts that Captain *Ligonier* said to me, "It was the Duke's Orders, that I should advance immediately with the Cavalry under my Command; and that the Movement was to the Left." But it must be clear to the Court that there was no Mention of the Left in the Order itself which Captain *Ligonier* delivered. This Order removed every Doubt that had attended the former, was not accompanied with any Difficulty in Execution, but was perfectly clear and explicate. Did I endeavour to raise any Objection? Did I even question Captain *Ligonier* upon it? Did I then hesitate one Moment to obey it? Captain *Ligonier* has said, that without making him an Answer, I immediately drew my Sword, gave the Word to march, and the Troops advanced: So sudden an Obedience demonstrates, what Disposition I had to obey every Order that I understood; and the Court may judge from hence, that I would have obeyed every other Order with equal Alacrity, had they been equally clear.

Thus far there is not the least Appearance of a Contradiction in the Evidence (excepting always Colonel *Sloper*) with regard to Captain *Ligonier's* Order. But Captain *Ligonier* then says, that when the Troops had moved a few Paces forwards, he told me it was to the Left I was to march. This Explanation of his Orders was not heard or understood by any of the Officers about me, as is clear from Captain *Sutherland's* Deposition, who remembers more particularly than any other Witness what passed then, Captain *Lloyd*, Captain *Bisset*, and Captain *Hugo's* Depositions, who all understood at the Time that Captain *Ligonier* had expressed himself no otherwise with regard to his Orders, than by saying that the whole Cavalry was to advance.

It will appear also, by what passed afterwards, that this Explanation was not heard or understood by me; and yet it is not improbable that Captain *Ligonier*, at the Time he mentions, may have said something about going to the Left; he spoke it by his own Account after the Line had advanced a few Paces: the Drums were then beating, for they continued so by Captain *Smith's* Deposition, till the Halt. Captain *Ligonier's* Orders had not occasioned me a Moment's Reflection; and it might very naturally happen in that Situation,

tion, that he might have said something about going to the Left, which neither I, nor any Person about me heard.

In a very short Time after the Cavalry was in Motion, Colonel *Fitzroy* arrived, and delivered me an Order to advance with the *British* Cavalry only, to the Left. I immediately halted the Cavalry; and was, I confess, astonished to receive an Order contradictory to every Idea, that either from former Orders, or from my own Observation, I had formed of the Service of the Cavalry that Day, and I could imagine, besides, no possible Reason for dividing the Cavalry, and bringing up the *British* only.

The Court will easily enter into the Doubts, which at that Time perplexed me, for I think there has never yet been any tolerable Reason assigned for this Difference in the Orders. The Enemy, as every body knew, was greatly superior to us in Cavalry; the Attack had not begun when Colonel *Fitzroy* was sent off, consequently the Enemy's Cavalry was not then weakened. Why then send for an inferior Body of Cavalry? Was it to avoid Delay, as has been some Times given out? why then send for the *British* Cavalry? which, being posted on the Right, were at least half a Mile more distant from the Enemy than the *Hanoverian*. I could not but imagine at first, that there was a Mistake in the Delivery of the Order. I saw Colonel *Fitzroy* out of Breath, and much hurried; I desired him not to be in a Hurry, to recollect himself, and deliver his Orders distinctly. He then repeated his Orders again; I expressed my Surprise, and told him, that I had but just received Orders from Captain *Ligonier* to advance with the whole Cavalry; and that I could not imagine, that the Prince meant to divide them. Colonel *Fitzroy* then said, that Captain *Ligonier* and he left the Prince at the same Time, and brought the same Order. I then asked for Captain *Ligonier*; he came up, and asserted, in the strongest Terms, that his Order was right, and said, that he would answer for it with his Honour and his Commission. Colonel *Fitzroy* continued equally positive, that his Orders were right, and insisted, that they brought the same Orders, and left the Prince at the same Time. I desired, that they would agree what their Orders were, and that I was ready to execute either of them; they both continued equally positive; I saw no Method from them of clearing up that Confusion. I asked whether the Prince was at Hand, and where they had left him? Colonel *Fitzroy* answered, that he had left him just on the other Side of the Wood, not a great Way off, and coming towards us. I immediately determined, what every

Man, I believe, in the like Situation would, to have an Explanation of these Orders, when it could be obtained by going so little a Way, and when the trifling Delay that that could occasion, must have been of much less Prejudice to the Service, than an improper Obedience.

I have related the Substance of what passed between Colonel *Fitzroy*, Captain *Ligonier*, and myself, from the whole Depositions taken together. It is not to be expected, that any two fair Witnesses should relate an Affair of this Nature exactly in the same Manner; if they agree in the general Tendency of the Conversation, and, if the Expressions, which strike each Witness in particular, and therefore remembered by them, correspond with the general Account, and agree together, there is more Credit to be given to such Evidence, than if their Relation were in every Point the same. Captain *Smith*, Captain *Lloyd*, Captain *Hugo*, Lieutenant *Sutherland*, and Lieutenant *Bisset* were all present during at this Conversation. They all agree in general, that Colonel *Fitzroy*, and Captain *Ligonier*, were both positive, as to their Orders: That Captain *Ligonier* did not admit, that Colonel *Fitzroy's* were to be obeyed preferable to his: They all understood, that the Orders delivered to them were the same, and that they left the Prince at the same Time. Captain *Smith*, Captain *Lloyd*, and Lieutenant *Sutherland* are positive, that Colonel *Fitzroy* said so, and Captain *Ligonier's* coming to me a little sooner did not contradict this Supposition, as they came different Ways, and the one very easily might have got the Start of the other. The same Gentlemen likewise prove, that I asked if the Prince was near, and upon being told that he was, desired to be conducted to him.

Colonel *Fitzroy's* and Captain *Ligonier's* Evidence differs from the Account given by these five Gentlemen. It is not surprising, that their Account of this Transaction should not be so perfect as that of the By-standers; they were both too much personally concerned in it, to have a clear and distinct Remembrance of what passed. In the most trivial Disputes, a distinct Account of the Subject of the Dispute is not to be expected from those engaged in it. Besides, they have both shewn by their Evidence, that it is impossible their Account of it can be complete; Colonel *Fitzroy* does not remember any Thing that passed between Captain *Ligonier* and me, and Captain *Ligonier* says, he was at some Distance, and did not hear any Thing that passed between Colonel *Fitzroy* and me, except the Delivery of his Orders. Neither of these Gentlemen then, can be a Witness to support the other; and

and in every Instance, where either of their Testimony differs from those of the other Witnesses, it is only the Evidence of one Man, as to the Words he spoke, in Contradiction to the Evidence of many, as to the Words they heard: And it is obvious, that even where there is no Dispute, it is much more probable that a Man should be right with regard to the Words he remembers to have heard, than the Man, who only relates the Words he imagines he spoke. The Observation is applicable, with much more Force, when not one only, but many Witnesses agree, as to the Words they heard. It is no Reproach neither to Colonel *Fitzroy*, nor Captain *Ligonier*, that they should have mistaken many Particulars of this Affair. I should be uncandid if I mentioned it as a Reflection upon their Veracity; their Hurry and Eagerness very naturally accounts for it.

It may be expected, that I should say something here with regard to the Place at which the Orders of Colonel *Fitzroy* and Captain *Ligonier* were delivered to me. This is a Matter of much the same Nature with Time and Distance, almost as difficult to be ascertained, and subject to many Mistakes, when no particular Circumstance occurs to fix it in the Mind. Colonel *Fitzroy's* Deposition shews this strongly. He says I was at the Right of *Bland's*, when he came up to me; and afterwards says, that when the Discourse passed between us about his Order, that he and I were between the two Lines of Cavalry: Now it is certain from all the Evidence, that I never was between the two Lines; but always in some Part of the Front of the first Line. This I mention as an Instance merely of Mistake. With regard to this Circumstance in general, I understand, that it is to be the Subject of a Reply; and therefore I shall reserve any Observations upon it, till I see, whether the Reply can fix it more positively (which I don't apprehend it can) than the several Witnesses on my Part have done; perhaps even then I shall give the Court very little Trouble upon it, for it is introduced merely to support the Credit of Colonel *Sloper*, and I can very easily give up this one Contradiction to his Evidence. If the Prosecutor will undertake to remove the bad Impression that his Manner of giving Evidence excited; if he will now disprove the strong Motives, under which he has already proved Colonel *Sloper* came to give Evidence; if he will support Colonel *Sloper's* Testimony against Captain *Ligonier*, as well as the Witnesses in Defence, with regard to what Order Captain *Ligonier* delivered; if he will support his Testimony, as to the Time between Captain *Wintzingerode's* Orders, and

the Cavalry's advancing, against that Gentleman's Evidence, the Facts proved by Captain *Hugo*, Captain *Lloyd*, and the Opinion of so many other Witnesses; if he will support his Credibility, as to the Time of Captain *Wintzingerode's* Arrival, against positive Facts, against the Witnesses for the Charge, as well as those for the Defence; if he will undertake to do these Things, I will agree to give up this Contradiction, and add to it, if he pleases, a Heap of others, that I would not tire the Court with enumerating.

I have already said, that Colonel *Fitzroy* having told me, the Prince was not a great Way off, I desired to be conducted to him. As we galloped along, I saw the Wood open to the Plain more quickly than I imagined, and Colonel *Fitzroy* continuing still very positive in his Order, as reported to me, I sent back Captain *Smith* with Orders to bring up the *British* Cavalry, as fast as possible; the Place, from whence I sent him back, was not distant from the nearest Part of the Cavalry, above 150 or 200 Yards, by Colonel *Fitzroy's* Account, and, by the Account so often given of the Extent of the Wood at that Part, it could not have been many hundred Yards from the Left of the *British* Cavalry; so that the Delay occasioned by my desiring to go to the Prince could only be the Time that it might take to gallop twice that Distance. Captain *Smith*, as he passed by the Left towards General *Mostyn*, made the Cavalry wheel by Quarter Ranks; so that all possible Expedition was used, and they were marched in that Order.—I observed, it was asked with some Appearance of Surprise; how the Wood's opening could occasion my sending back for the *British* Cavalry only; a Moment's Reflection on the former Evidence would have made that Question unnecessary; the Wood's opening so soon to the Heath reconciled me a little to the Movement's being made to the Left. If that was to be done, then Colonel *Fitzroy's* Order and not Captain *Ligonier's* was to be followed (for I understood nothing from the last of this Movement) and of Consequence the *British* Cavalry only were to be brought up.—This, together with Colonel *Fitzroy's* Positiveness, and Captain *Ligonier's* Absence, who had gone from me, when I set out towards the Prince, induced me, though I own without being convinced, to give the Order I did, to Captain *Smith*.

When I came up to the Prince, I told him the State of the Orders; he received me, as has been proved by many Witnesses, with his usual Civility, expressed to me no Surprise at my not understanding such Orders; but upon my pointing to him the Head of the Column of Cavalry of the
second

second Line, which was then in View, coming out of the Wood, gave me his own Orders, To form the Cavalry on the Heath, and sustain the Infantry.—I should greatly wrong the Prince, if I should suppose it necessary to take much Notice of what has been told the Court, of his expressing his Surprise at my Doubt upon the Orders, not by Words, but by his Looks and Actions. The Orders he gave me were so materially different in their Object from either Captain *Ligonier's* or Colonel *Fitzroy's*, that these Orders alone were a Confirmation of my Doubts, and his Manner seemed to correspond with his Words: But it has been observed, that before Colonel *Fitzroy* came up, the Prince expressed his Dissatisfaction at my Conduct; for when he sent Mr. *Derenthal* to hasten me, he said, looking towards the Cavalry, that he did not know what Lord *George Sackville* was doing there. If his S. H. was dissatisfied with any Body then, it could not be with me, for the Cavalry he saw at that Time was the second Line. But the Expression does not seem to me to import any Blame, but only shews his Surprise that the Cavalry appeared so much to the Rear, where, to be sure, he did not expect them, and where, if he had known they were obliged by going to the Left to place themselves, he probably would not have chose they should have made that Movement.

The Orders I received pointed out to me the Object I was to have in View, the sustaining the Infantry by a formed Body of Cavalry. There was nothing mentioned of Attack, or Pursuit, nor any Thing that could in the least induce me by advancing in a Hurry to hazard any Disorder or Confusion in the Cavalry, which would have made it totally unfit to sustain the Infantry. Had Pursuit then been the Object, H. S. H. would undoubtedly have ordered the Cavalry which first appeared, to have advanced instantly, without ordering me to form the whole. I immediately dispatched Captain *Lloyd* to order the Cavalry to form in Line, and followed him myself.

The second Line, it is certain, was got upon the Heath sooner, but not a great deal sooner than the first. Captain *Smith* met Lord *Granby* at the Entrance of the Wood from the Ground where the Cavalry was first formed; and the Cavalry marching from the Left, and that Flank being close to the Wood, sufficiently proves how short a Time they could be in Motion. From thence he went very fast to General *Mosby*, who was not far off; the Cavalry marched immediately by Quarter Ranks, which across the Wood was by much the quickest Way, and they marched at a very good
Pace.

Pace. The Cavalry that I shewed the Prince was the second Line: But at, or soon after, that Time, the first Line appeared also; for Lieutenant *Sutherland*, who was then by me, says, the first Cavalry that he distinguished coming out of the Wood, was the *Blues*. I sent Captain *Hugo* then to the *Hanoverian* Cavalry of the first Line, that I had left on the other Side of the Wood, because it was very clear now that the Prince's Intentions were not that the *British* Cavalry only should advance on the Heath. I then set about forming the Cavalry, as the Ground would best admit, taking the most expeditious and effectual Method of fulfilling H. S. H.'s Intentions. Here undoubtedly it may be said, there was a Halt, that is to say, the Squadrons that first formed stopped till the others could form up with them in a Line, and without such a Halt it was impossible the Cavalry could form at all; but the whole Body never was halted, and some Part of it always in Motion.

How much Time was employed in this Manœuvre is not ascertained by the Evidence. No particular Time can be said to be necessary for such Movements, as the making them slower or faster must always depend upon the Adroitness of the Troops, and their readily comprehending the Orders they receive. Captain *Smith's* Evidence shews, that the *Hanoverian* Squadrons on the Left formed too near the Wood, and instead of inclining to the Left in advancing, as I ordered them, wheeled; this Mistake I was obliged to set right, and some Time was lost by it. Colonel *Pitt* is the only Witness, who has an Opinion as to the Time employed in forming the Line. He thinks it was about a Quarter of an Hour, that the Brigade, in which he was, halted in forming the Line. But he also thinks, that, when that Brigade alone formed, at their first coming out of the Wood, with Lord *Granby*, the Halt was about ten Minutes, so that five Minutes more, supposing his Calculation just, was no extraordinary Time for forming a Line, which consisted of more than double the Number of Squadrons of which he speaks.

If it was on this Occasion, that Lord *Granby* found Fault with my Manœuvres, I flatter myself his Lordship would not have blamed them, had he known that I was acting under the Orders of the Prince. The Intention of which, I am persuaded, he would have agreed with me, could not have been otherwise satisfied, than by advancing with a well-formed Line of Cavalry, fit to sustain.

Before the Line was quite formed, the Left moved; the Inconvenience of the Squadrons that first formed having taken

too little Ground soon appeared, for as we came up to the Fir Grove, so often mentioned, *Bland's* and the *Inniskillings* were thrown out of the Line entirely; even this Obstruction did not make me halt the Line, though I was obliged to bring them up to move a little slower, and to incline the Squadrons to the Left; afterwards we moved on, without any Sort of Stop, except occasional ones to dress the Line, till we came in the Rear of the Infantry, and there the Cavalry was halted, as this undoubtedly was the Object pointed out by the Prince's Orders.

In order to explain a little more fully to the Court the Movements of the Cavalry at that Time, I must beg they would consider a Moment, what was known then with regard to the State of the Action: No Officer of the Cavalry, I believe, imagined, that the Engagement was over before we came upon the Heath. Nor had H. S. H. any Idea, that the Success of the few Battalions, that had engaged, could determine the Event of the Day, as is plain from the Order he gave to sustain the Infantry.

It appears now indeed, that the Action must have been over at that Time. Mr. *Derenthal* had before that congratulated the Prince upon the Success of the Infantry; and we now know, that after that Success the *French* never returned to the Charge. But, as I hope not to be censured upon Circumstances that I could not know, neither shall I attempt to excuse myself by them; let my Conduct only be judged according to the Views I was enabled to form at that Time. Ordered to sustain the Infantry, could I have been justified, had I not paid the utmost Attention to bringing up the Cavalry in Line? Was not that essentially necessary to the Object of the Order.

The Slowness of the Movement is here again found Fault with; the March at particular Times might be slow, and in particular Parts of the Line; but whenever I could bring them up regularly, it was sufficiently fast, thro' the whole Line. Captain *Smith* proves, that he met me advancing at a full Trot, as I came towards the Place, where the Action had begun.

With regard to the Halts that I made, it is now clear from the whole Evidence, that there never were but two Halts after the Cavalry came upon the Heath. The one was that, which was first made to form in Line; the other, when they halted in the Rear of the Infantry. This appeared very clear both from Colonel *Pitt* and Colonel *Hotham's* Depositions; and what in other Parts of the Evidence might have been
mistaken

mistaken for Halts, are explained by this last Deposition to have been only occasional Halts, for dressing the Line. I need make no Apology for these, as every Officer knows the Necessity of them. The first Halt could not be avoided, and the last was in Obedience of the Order I received.

Some Doubts seemed to have arisen, Whether that Infantry, behind which I then halted, was the Infantry I was ordered by the Prince to sustain? It must be very clear to every one, that the first Line of Infantry I came up to, it was my Duty in Execution of my Order to halt there. The Infantry, behind which I halted, are proved to the Court to have been a Line of seven or eight Battalions, commanded by Major General *Scheele*, Part of whom belonged to the first, and Part to the second Line of the Army, if we can credit the Plan so much relied on by Captain *Roy*. It is difficult to say precisely what Part of the Line of Infantry H. S. H. intended the Cavalry to have sustained: The Events of the Day totally changed all Lines and Dispositions; but I think it is certain, that the Cavalry being in a Situation originally to have formed as a third Line to sustain the Infantry, it must have formed behind some of these very Regiments. But after the Orders were received, this was the only Line of Infantry upon the Plains of *Minden*, that ever appeared for the Cavalry to have sustained.

I soon saw that no Service could be done in this Situation, I thought in all Probability there might elsewhere; for no Action that ever I had known, had been decided in so short a Time, and by the Fate of a single Attack. I sent an Aide-de-Camp to H. S. H. to acquaint him, that the Cavalry could do no Service where it was; and to desire to know, if he had any Commands for them. The Court will scarcely suppose, that that would have been the Conduct of a Person, who had any Disinclination to obey.

It will be now proper, having gone through the particular Movements of the Cavalry, to take notice of a general Object of Enquiry, that has been pursued through the Course of the Trial, whether the Cavalry attacked any Enemy, or sustained any Infantry that engaged? As to the first, attacking the Enemy never was the Object of any Order I received, excepting Colonel *Ligonier's*; and with what Readiness I obeyed that Order, till I was stopped by Colonel *Fitzroy*, the Court very well knows. As to sustaining Infantry, that was engaged with the Enemy, if there was a proper Relation of the Action before the Court, it would at once appear, how impracticable that was. It was for this Reason
that

that I wished to have asked a few Questions of the Officers of the Infantry. But, as the Court had had the Trouble of so long an Attendance, I could not wonder, that they wished to shorten the Examination, and I very readily submitted to their Opinions. I must beg Leave therefore to mention a Fact or two, not in the Depositions, but so publickly known, and so confessedly true, that it is impossible to call them in Question: I mean only this, Captain *Wintzingerode* has said, that, when he left the Prince, the Infantry, had moved about 100 Paces towards the Enemy. Colonel *Fitzroy* says, that when he came off, the Infantry was advancing briskly. I desire only to add to this, what every Body knows, that the Brigade of Infantry on the Right advanced with the utmost Impetuosity, before any Line of Battle was formed, or before any Artillery could be brought to oppose the Enemy's Batteries, attacked the *French* Line, and, after a very short Conflict, sustained and assisted only by the second Brigade of the *English*, and the two Battalions of *Hanoverian* Guards, defeated it and put it to Flight.

Captain *Derenthal* proves the short Duration of the Action. He left *Brudenell's* Regiment after the Success of the Infantry, and had been with the Prince some Time, before Colonel *Fitzroy* returned to him with me: After I came up to the Prince, there was no firing of Small Arms heard. I desire only now to remind the Court, that the only Part of the Army that did engage the *French* Line, were the six *British* Regiments, the two Battalions of *Hanoverian* Guards, and perhaps *Hartemburgh's* Regiment. The Evidence will shew, how far they had rushed on, pursuing their Victory.

Lieutenant *Sutherland* and Captain *Lloyd* both, after they had delivered the Orders from me, for the Cavalry to form, galloped across the Plain towards the Infantry. Lieutenant *Sutherland* came up first with the *Hanoverian* Guards; a little more advanced he found the *British*. The Enemy was then close to the Walls of *Minden*. Captain *Lloyd* saw the *French* Cavalry at such a Distance, as just to distinguish it to be Cavalry, and that was all. They both think the Infantry, that had engaged, were above a Mile, Lieutenant *Sutherland* thinks near two, from where they left the Cavalry forming.

Lieutenant *Bisset* left me, when I was receiving the Prince's Orders, and in going towards the Infantry met the wounded Officers coming off. He then came towards me, and immediately returned to his Regiment, when he found the Enemy out of Sight; but as it was imagined, they were forming

behind the Houses, he returned to desire my Permission to join his Regiment which had lost a great many Officers. He immediately returned to his Regiment, and never saw the Enemy more, till they afterwards appeared in the Hedges of *Minden*. Captain *Smith* likewise galloped on to the Infantry, as we began to advance with the Cavalry, and found the *Hanoverian* Guards and the *British* amongst the Inclosures, and the Enemy, that had engaged them, distinguishable only by a Cloud of Dust, that they raised towards *Minden*; and the Officers of the *British* Infantry asked him, where the Army was, for they had not seen any more of it than two Battalions of the *Hanoverian* Guards all that Day.

Against these Facts there is only the Opinion of one or two Cavalry Officers, founded upon no Observation made by themselves, but raised merely by Conjecture, that the Cavalry might have sustained the Body of Infantry that was engaged. I leave it to the Court to form the Conclusion, whether it was possible for the Cavalry to have sustained that Infantry, which not even the Remainder of the first, nor any other Part of the second Line, ever came up to sustain, or to have shared with them the Glory of the Day.

I have now laid before the Court the whole Facts regarding my Conduct in the Affair of *Minden*. After the Action was over, when the last Step of it had determined my Zeal for the Service, I little imagined, amidst the general Congratulations that were given and received, when there was but one Opinion prevailed, that the Valour of a few Battalions, under the immediate Protection of Providence, had prevailed against Numbers, Preparation, and Disposition, as all concurred in praising those, whose good Fortune had given them a greater Share of the Action; and no body was heard to to censure those, who had less Opportunity, though not less Desire, to have gained equal Honour: I little imagined, that any Dissatisfaction could have been conceived against my Conduct. The Day passed without any Reflections or Reproaches upon myself, or any Officer; that was then left, as the common Consequences of Defeat to the vanquished Army.

Next Day the Orders came out—How astonished I was at receiving them, and what I felt, those before whom I speak will easily conceive? The Instance was new to me, nor I believe can any of the Generals, who compose this Court, in the Course of their Services, recollect, that it ever was the Practice of any General to punish by public Orders, and, without Trial, or Examination, impose such fatal Censures upon Officers.

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In Justice, however, to Prince *Ferdinand*, I must acknowledge, that I do not believe he intended to throw that Reflection upon me, which the Order seems to import; if he had, I must think he would have avowed it. He might imagine, that I was only envious of Lord *Granby's* Praise, not jealous of my own Honour, and perhaps did not comprehend the Manner in which I felt that indirect Censure: He was uninformed of our Manners, ignorant of the Effect the Orders would produce here, and unacquainted, upon these Articles, with the Sensibility of *Englishmen*.

What has been the Effect of these Orders, I have never called to mind, since I came upon this Trial: I only feared them, while it remained uncertain, whether the Objections to the Legality of my Trial could be overcome. I knew no Answer could be made to an unknown Accusation; and while I saw myself at once deprived of all my military Commands, of the Favour of my Sovereign, and the Esteem of my Country, I could never learn of what Crimes I was accused, but from News-papers or Pamphlets. My Hesitation with regard to the Orders of Col. *Fitzroy* and Captain *Ligonier*, was for a long Time the only Topic mentioned, as the Cause of my Disgrace; something there was likewise said about Looks and Appearances; but this was then confined to its proper Sphere, the lowest of the Rabble. This Charge is the last that a Man of Spirit can suppose brought against him, and the only one he can ever be averse to answer in Words. I should at any Rate say very little about it, speaking to those I have the Honour to address; I shall only, for the Sake of other Officers, who may like me, after Years of Service, be exposed to such Attacks, make one Observation upon the palpable Absurdity of it: I should hardly think that Man worthy of an Answer, who should pretend to judge of another's Mind from his Complexion. But the Witness founds his Opinion upon a Reason. The Orders, as he understands, were to move to the Left: in obeying it, I ordered him to move forwards: I was therefore confused and alarmed.

This Movement he has certainly mistated. But, had I ordered him to move to the Left, as he thinks I ought, what Opinion would the five Officers, who understood the Order to mean going forwards, have been intitled to form upon that Occasion?

This at once shews not only the Malice, but the Weakness of such Evidence; and as I am certain my Case will not be an Encouragement to their Attacks hereafter, this is the last Mention I shall ever make of them here.

I told the Court my Defence consisted not in Argument, but in establishing a true State of the Facts : That I think I have already done, and I am at a Loss to conceive, by what Part of these Facts a general Charge of Disobedience can be supported. I have tried to divest myself of every Prejudice; and to discover, if I could, the strongest Case that could be made against me; I don't know any Circumstance, in which, with the Information I then had, I think upon Reflection I could have acted differently from what I did; with the Information I have since received. I own I think I could have done much more Service, had I taken upon me to disregard the Orders of Col. Fitzroy, and marched the Cavalry upon my own Idea towards the Wind-mill: I should then have fallen upon the Flank of the Enemy, and I make no Doubt, but the *British* Cavalry would have shared with the Infantry the Glory of the Day; and, as Mistakes were then fortunate, the Victory might have been rendered more brilliant and compleat.

It is a common Charge against me, of which I should have taken no Notice here, if I had not found, that it had some Effect upon the Minds of Officers, who have appeared upon this Occasion, that the Cavalry by my Fault did not engage the Enemy.

That it did not engage the Enemy is certain; but why it should be at once determined, that it ought to have engaged the Enemy, I own I cannot comprehend. Had the Action of *Minden* been regulated according to the common Course of Events in War; had not Providence interposed in a particular Manner in Favour of his Majesty's Arms; in all Probability every Part of the Army would have had some Share of the Action; but is it not equally reasonable to enquire, why the greatest Part of the Infantry never discharged a Shot? The Glory of that Day was reserved for the six brave Regiments, who, it will scarcely be credited in future Ages, by a single Attack, put forty Battalions and sixty Squadrons to Flight. But why, it may be said, did not the Cavalry of the Right join in the Pursuit? What Pursuit was ever ordered? If that had been H. S. H.'s Intentions, the Cavalry on the Left were at Hand, yet they were never sent for. Pursuit might neither have been safe nor practicable: The Enemy were soon drove within the shelter of the Cannon of *Minden*, and the Ground near the Town was full of Inclosures, where the *British* Infantry halted. I do not therefore blame H. S. H. for not ordering a Pursuit: I only beg not to be blamed for not pursuing, where Pursuit never was intended.

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The Question upon which my Conduct is to be tried, is not who deserves to be censured for the Inaction of the *British* Cavalry, no more than it is, who deserves to be praised for the extraordinary Intrepidity of the *British* Infantry. I have stated the Facts so fully, that I will not enter into any Observations on the particular Matters of the present Charge. I have shewn, that on the first Part of the Day, I was not deficient in Diligence or Activity; that I made every Preparation for executing Captain *Wintzingerode's* Order, that a few Minutes would permit; that I instantly obeyed Captain *Ligonier's*: That upon Colonel *Fitzroy's* Order, and the Dispute between Captain *Ligonier* and him, I was justified in going to the Prince. The Orders I then received from H. S. H. did not determine either of these to be right. The Prince's Orders I immediately put in Execution.

The Movements for that Effect I have already explained to the Court, and submitted the Propriety of them to their Experience and Judgment; only I flatter myself, that whatever Opinion they shall entertain of my Abilities, my ready Obedience to the Orders I did understand, my Zeal for the Service, taking upon myself to order up the *British* Artillery; and my sending to the Prince upon hearing, that he was making a Motion to the Right with some Infantry, to acquaint him that the Cavalry, as then posted, could be of no Service, and to desire to receive his Commands, will justify my Motives, and shew that I was not wanting in my Inclination to obey.

These are the whole Matters of the Charge against me for which I now stand at your Bar, deprived of the Rank I had the honour to hold among the Generals who sit here. Other Officers before me have suffered by Misrepresentations in the Opinion of their Sovereign and their Country; my Case is in this respect peculiar, that I was condemned upon Insinuations only. If the implied Censure of the Orders of the second of *August* were to ruin the Character of Officers, and deprive them of their Employments and Command, I should not have been the only Sufferer that Day.

My military Employments were always at his Majesty's Disposal. As Marks of the Approbation of my Endeavours to know and to discharge my Duty, I received them with the utmost Satisfaction; but receiving them from the Royal Favour, I was always ready to resign them to his Majesty's Pleasure. I now quit them without Regret, since, notwithstanding I have been allowed an Opportunity of justifying my Conduct; this was the only Motive and Purpose of my desiring

bring to stand a Prisoner at this Bar. Under all the Disadvantage of the Prejudice of the Public, then strong against me, I should not have asked for a Trial, but from the Consciousness of my own Innocence. The Reception my Defence has found from the Public, and the favourable Alteration of Opinion it has already produced, justify my Confidence in the Candour of my Country.

Upon your Judgment I have every Reason to rely; What Opinion you may form of my Abilities as an Officer, I don't presume to say; that is an Object now of little Importance to me, and his Majesty is the best Judge of the Merit of his Officers; but I am persuaded that you will with Pleasure on this Occasion exercise the amiable Part of your Jurisdiction, and acquit me of the present Charge of Disobedience."

THE JUDGE ADVOCATE then proceeded to the Examination of the following Witnesses, in order to fix Lord *George Sackville's* Situation at the Time of Captain *Ligonier's* delivering his Orders; his Lordship having endeavoured to shew, that he was at the Head, or towards the Right of the *Inniskilling* Regiment at that Time; and consequently, that Lieutenant Colonel *Sloper*, whose Post was at the Right of Lieutenant General *Bland's* Regiment, could not possibly have heard, what he had asserted.

MAJOR GEORGE MARRIOT of the *Inniskilling* Regiment of Dragoons was sworn and examined.

Q. Did he command any, and which Squadron of the *Inniskilling* Regiment of Dragoons, the Day of the Battle of *Minden*?

A. He commanded the left Squadron of the *Inniskillings*.

Q. Did he see Captain *Ligonier* come with Orders?

A. Yes.

Q. How did he come, and did he pass the Deponent?

A. He saw him at the Distance of about fifty Yards coming towards the right Squadron of the Blues; as he was drawing nearer to the Deponent's Squadron, the Deponent advanced and spoke to him, and asked him, what News from the Front Line. He answered, "Glorious! that the Enemy was giving Way, and that he was come to order up the *British* Cavalry; and then rode on towards *Bland's*. The Deponent then rode up to Major *Hepburn*, who commanded the Right Squadron of the *Inniskillings*, and related to him the News, which Lieutenant Colonel *Ligonier* had told him; and said, that he imagined they should go to Action immediately, and

and asked him, whether he might not order the Men of his Squadron to throw away their Picquets and other Things, which might be an Hindrance to them in the Charge. Major *Hepburn* told him, he would leave that to him to do as he thought best. The Deponent accordingly returned to his Squadron, and made the Men throw away such Things as he thought encumbered them.

Q. Had Lord *George Sackville* been at that Time in the Front of the Right Squadron of the *Inniskillings*, should he have seen him?

A. Certainly.

Q. Did he at that Time see his Lordship there?

A. No, not just at that instant.

Q. Did he see Lieutenant Colonel *Ligonier* with Lord *George Sackville* at the Head of the *Inniskillings*, when he did see his Lordship there?

A. No.

MAJOR ROBERT HEPBURN, of the *Inniskilling* Regiment of Dragoons, was sworn and examined.

Q. Did he command the Regiment of *Inniskilling* Dragoons on the Day of the Battle of *Minden*?

A. Yes.

Q. At which Squadron was his Post?

A. At the Right Squadron.

Q. Did he see Captain *Ligonier* deliver any Orders in the Front, or towards the Right of that Squadron, to Lord *George Sackville*?

A. No.

Q. Had Lieutenant Colonel *Ligonier* delivered his Orders to his Lordship there, Does he think he should have seen them?

A. That he can't say, because he was frequently in the Front, and frequently in the Rear.

Q. Did he observe Lieutenant Colonel *Ligonier* pass the Squadron, which he was at the Head of, either going or coming from the supposed Delivery of his Orders?

A. He saw Lieutenant Colonel *Ligonier* coming from the Right; but whether he had delivered any Orders, or not, he could not say.

Q. Did Major *Marriott* at any Time mention to him his having seen Lieutenant Colonel *Ligonier*?

A. He does not at present recollect that he did.

Q. Did Major *Marriott* apply to him for Orders about throwing his Picket-Poles, or other Incumbrances, away?

A. Yes,

A. Yes, he did.

Q. Does he remember a little before that Time seeing Lieutenant Colonel *Ligonier* ride along?

A. The Time he has already mentioned he saw Lieutenant Colonel *Ligonier* ride along, was a little before that.

Q. When Major *Marriott* applied to him about Orders for throwing the Picket Poles away, did any other Conversation pass between them, and what?

A. He don't at present recollect any Thing particular.

Q. When Major *Marriott* applied for Leave to throw away his Picquet Poles, did he give any Reason for desiring it, or point out any Necessity?

A. Yes he did, which was, that it was imagined they were going on to charge immediately.

Q. Did he give any Reason, why he imagined they were going on to charge immediately?

A. He don't remember, he particularly did?

Q. If Lord *George Sackville* and Lieutenant Colonel *Ligonier* had been in the Front, or towards the Right of the Right Squadron of the *Inniskillings* during the Time of this conversation between Major *Marriott* and him, does he think he must have seen them?

A. He thinks he should, unless they had been very far advanced in the Front.

Q. Did he see them?

A. No.

Q. Did he give Orders for throwing away the Pickets?

A. He don't particularly recollect the Pickets, but he knows the Corn and other Incumbrances were thrown away, and probably the Pickets.

Q. Did he give the Order for it?

A. Yes, he did.

Q. What induced him to give that Order?

A. He has already said, that they imagined they were going to charge.

Q. What did he see, or what induced him to think they were then going to charge?

A. Lieutenant Colonel *Ligonier* in passing by mentioned something, but he did not hear distinctly of the Enemy's giving way; and that the Cavalry was sent for, or something to that purpose.

Q. To whom did he mention this?

A. He mentioned it to the Officers passing along the Front of the Squadron; he thinks to Captain *Whitmore*.

Q. Was *Ligonier* then going towards *Bland's*?

A. He

A. He has already said, he only saw him coming from *Bland's*.

Q. When the Squadron had Orders to advance, did he hear Lord *George Sackville* give the Orders himself to march?

A. He don't recollect that he did.

Q. Who gave the Orders to his Squadron to march?

A. He gave it himself to his own Squadron, as he recollects; he cannot be positive.

Q. When the Squadron made a Movement forwards, was he in the Front or Rear of his Squadron?

A. He can't say he recollects; but, as he before said, he thinks he gave the Word himself to march, he must in that case have been in the Front; but of this he is not certain.

LIEUTENANT COLONEL EDWARD LIGONIER,
was again examined.

Q. Whilst he was delivering his Order to Lord *George Sackville*, or discoursing with his Lordship upon it, did Captain *Smith* bring any Message to his Lordship from Lieutenant Colonel *Sloper*?

A. He does not recollect to have seen Captain *Smith* whilst he was with Lord *George Sackville*.

Q. Does he think, if Captain *Smith* had come, and interrupted him whilst speaking, he should have recollected it?

A. He thinks he should.

Being asked; in order to refresh his Memory more particularly, whether Captain *Smith* desired his Lordship to stop the March, or halt the Line, as it was not quite ready?

A. He don't remember to have seen Captain *Smith*.

Q. (By the Court) When he was coming with the Order from the Prince to Lord *George Sackville*, did he pass any Part of the Front of the Blues?

A. He came upon the Left, and rode in the Front of both Blues and *Inniskillings*.

Q. Did he speak to any of the Officers of the Blues, or any Officers of the *Inniskillings*, and to whom?

A. He don't recollect to have spoke to any Officers of the Blues; but he remembers to have spoke to Major *Marriott* as he passed by the *Inniskillings*; he did not stop.

Q. Did he take Notice how the Cavalry advanced, after he delivered his Order to Lord *George Sackville*?

A. He cannot positively say; between ten and twenty Paces; he thinks.

Q. Does he recollect any Thing particular which makes him remember his having rode along the Blues ?

A. Lieutenant Colonel *Johnston* desired he would stop.

Q. At the Head of what Squadron was Lieutenant Colonel *Johnston* at that Time ?

A. He cannot positively recollect.

CORNET ALEXANDER EARLE, of Lieutenant General *Bland's* Regiment of Dragoon Guards, was sworn and examined.

Q. Where was his Post on the Day of the Battle of *Minden*, when the Cavalry were drawn up in two Lines before they marched ?

A. In the first Squadron of Lieutenant General *Bland's*.

Q. Was that the Squadron which Lieutenant Colonel *Sloper* commanded ?

A. Yes.

Q. Did he see Lord *George Sackville* at the Head of that Squadron at any Time whilst posted there ?

A. Yes.

Q. Did he see Lieutenant Colonel *Ligonier* come to his Lordship whilst he was at the Head of that Squadron ?

A. Yes.

Q. Did he notice his coming from any particular Circumstance ?

A. He noticed his coming from the Left. He remembers the Colour of his Horse, it was black ; and the seeming Hurry he came in, attracted his Notice particularly.

Q. Did he see Lieutenant Colonel *Sloper* near to Lord *George Sackville* at that Time ?

A. He did.

Q. Did *Bland's* Regiment, or the Squadron he was in, in the Movement, when the Line advanced a little towards the Windmill, stand still, whilst the rest of the Line advanced ?

A. He did not see any Part of the Line advance before *Bland's* Right Squadron.

Q. Does he recollect, when the Line advanced, whether Lord *George Sackville* was at the Head of the Right Squadron of *Bland's* ?

A. He don't recollect that.

Q. Does he know, when the Squadron he was in threw away their Picket-Poles, whether they were halted, or in Motion ?

A. They were in Motion in Front.

Q. Did

Q. Did he hear Captain *Smith* give Lieutenant Colonel *Sloper* any Orders from Lord *George Sackville*, relative to Picket-Poles?

A. He did not.

Q. If Captain *Smith* had brought any such Order, does he think he should have heard it?

A. He cannot say he was near enough to hear every Order brought to Lieutenant Colonel *Sloper* that Day.

Q. Can he speak as to Captain *Smith* bringing any Orders to Lieutenant Colonel *Sloper* about the Time the Squadron began to advance?

A. He does not remember having seen Captain *Smith* at all,

Q. Was he near enough to hear the Order which Lieutenant Colonel *Ligonier* brought?

A. He was not.

Q. Did Lieutenant Colonel *Ligonier* go directly up to Lord *George Sackville* when he came?

A. Yes.

Q. Did he see or perceive Lord *George Sackville* and Lieutenant Colonel *Ligonier* talking together?

A. He could not perceive it at the Distance he was.

Q. How long did they remain together?

A. He can't say how long.

THE JUDGE ADVOCATE requested that Lieutenant Colonel *Johnston*, who was so ill as not to be able to come this Day, might be examined on this Point To-morrow, if he should be well enough to attend at the sitting of the Court; till which Time he desired their Indulgence, by reason of the great Length of the Proceedings, to consider of such Observations as it might be necessary to trouble them with.

ADJOURNED till To-morrow Morning at Eleven o'Clock.

THURSDAY

THURSDAY 3d of APRIL 1760.

THE COURT being met pursuant to Adjournment,

LIEUTENANT COLONEL JAMES JOHNSTON,
now attending, was examined.

2. **W**HETHER he saw Captain *Ligonier* come as he brought his Orders to Lord *George Sackville*, on the 1st of *August* last?

A. Captain *Ligonier* passed by him when he was at the Head of the *Blues*: The Deponent called to him as he passed him, desiring him to stop, being inquisitive to know what his Errand was; he did not stop, but went on at a Gallop.

2. How far did he see him go on?

A. He saw him go to *Bland's* Dragoons.

THE EVIDENCE being closed, the JUDGE ADVOCATE submitted to the Court some few Observations, in Answer to those made by Lord *George Sackville* in the Course of his Defence; and upon the Evidence in general, to the following Effect:

“ **M**Y Duty requires, that I should trouble the Court with a few Observations upon the Evidence, which I shall do as shortly as possible, seeing the great Attention that has been paid to every material Circumstance during the Course of this long Trial.

And that I may be the more clearly understood, and trespass the less upon your Patience, I shall lay out of the Case every collateral Matter, and confine myself to the principal Objects of the Charge.

If I do not take up the Time of the Court, in pointing out any Inconsistencies, or seeming Contradictions, between different Parts of the Evidence on his Lordship's Defence, I believe it will not thence be contended by his Lordship, that there are none; and I think I may affirm, without claiming any extraordinary Degree of Merit, that there would have been others, had I not endeavoured to have them explained and reconciled by the Witnesses under Examination, rather chusing that than to take any Advantage in arguing from them afterwards.

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The Mention of this leads me to clear up a seeming Inconsistency, which his Lordship has remarked in Lieutenant Colonel *Ligonier's* Account, that there was a Confusion in the Enemy, of which we were to profit; and yet, that the Armies had not begun any Engagement, when he came from the Prince. If I mistake not, Lieutenant Colonel *Ligonier's* Account is not, that they had not engaged when *he left the Prince*, but when he left the *Right of the Infantry* to go to the Prince.

From the Beginning I desired to be understood, that the Orders of the 29th and 31st of *July* were not charged to be disobeyed; on the contrary, it was presumed, that they had met with due Obedience; and it was thence argued, that the Ground was not unknown to his Lordship, or to those about him, who had reconnoitred it by his Order. His Lordship has, however, examined Witnesses to prove, that those Orders were complied with, as far as was consistent with the other Duty in which he was engaged.

With regard to the Circumstance of his Lordship's coming late to his Post on the Morning of the 1st of *August*; from the Proof, which has been laid before the Court, of the Cavalry waiting a considerable Time at the Head of the Encampment, before his Lordship joined them, a reasonable Foundation is shewn for making this an Article of the Charge, as the Orders were presumed to have been first delivered, or immediately communicated to his Lordship; but since those Orders do not appear to have reached him, there seems no longer any Reason to controvert his Lordship's having repaired to his Post, as soon as he received the Notice, and, as stated in the Evidence, unattended with any Aide-de-camp; and I shall therefore now lay this Article intirely out of the Question.

Before I enter upon the remaining Parts of the Charge, I must take Notice of an Observation, upon which his Lordship seems to lay some Weight, that no Plan of Action, or general Disposition for the Day, was communicated to his Lordship, or any of the Generals; which Remark, if it is in any Respect applicable to the present Question, seems to point out, that a ready and punctual Obedience to a sudden Order, became upon that Account more necessary and indispensable.

The first Order, which is now insisted to have been disobeyed, is that brought by Captain *Wintzingerode*; but in this Part of the Case, though, perhaps, unnecessary to maintain
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the Delivery of the Order, it is incumbent on me to do Justice to the Character of a Witness, whose Credibility, as well as Veracity, has been most strongly attacked, though I trust, that both one and the other are now fully re-established in the Opinion of the Court. This Witness, whose Character and Reputation has been treated in a Manner which Decency would hardly have admitted (previous to the Proof) even under the fullest Persuasion of being able to defeat his Evidence totally, has stood the Test, and appears only to have satisfied the Oath he had taken, by relating the whole Truth, without Exaggeration, but without the least Reserve. If in the Cross-examination there appeared any Tendency to Warmth, his Lordship will be pleased to remember, that he had, in Presence of the Witness, threatened to expose him in *such Colours*,—(and was going on 'till stopped by the Court)—an Expression which, I presume, nothing but an equal Warmth in his Lordship would ever have drawn from him, especially when addressed to a Witness giving his Evidence upon Oath in a Court of Justice. Every material Part of his Evidence seems now corroborated, and the Matter of Opinion, from which Arguments were raised against the Credibility, appears to have arisen from his Observation at the Time, and not to be a Circumstance lately invented to prejudice his Lordship's Character. The Veracity of the Witness (tho' with a View of destroying the Impression of his whole Testimony) was attacked principally in one Particular, by endeavouring to prove that Captain *Ligonier's* Orders were not delivered to Lord *George Sackville* at the Head of *Bland's* Regiment, and consequently that he could not hear them, as he has pretended. This I presume has been very sufficiently answered; and, if so, I submit to the Court, whether Lieutenant Colonel *Sloper's* Evidence would have fixed any Stain upon his Lordship's Defence.

His Lordship has expressly called upon me, and I must therefore enter more fully into a Discussion of the Attempt, which has been made to invalidate the Testimony of this Witness, than I otherwise intended.

His Lordship has been pleased, in his Defence, to urge some Matters, with a View of discrediting Lieutenant Colonel *Sloper*, which are not supported by Evidence.—The one is, that he had frequently introduced in the Relation he had given out of Doors, Captain *Wintzingerode's* speaking to Captain *Hugo* in *German*; and therefore durst not venture

venture entirely to forget it in Court, a Circumstance of which no Proof has been offered whatever. His Lordship is also pleased to say, that Captain *Wintzingerode* has denied having repeated his Orders; though I cannot find that in his Evidence. And as to Lieutenant Colonel *Sloper* not recollecting the Names of other Officers present, before it was urged as an Article of Unfairness in Lieutenant Colonel *Sloper*, his Lordship should have been certain, that some of his own Witnesses would have had better Memories on the same Occasion, viz. Lieutenant Colonel *Hotham*, Captain *Hugo*, and Lieutenant *Bisset*. I am sure I do not mention this as the least Imputation of Unfairness in their Evidence, but only to shew that Lieutenant Colonel *Sloper* is not singular in his.

His Lordship has asked several Questions of Witnesses, whether Lieutenant Colonel *Sloper* spoke to him, whilst Captain *Wintzingerode* was with him, which he has never asserted he did:—but in the Cross-Examination it has been answered, by those of whom it was asked, that they did not hear Lieutenant Colonel *Sloper* speak to his Lordship after Captain *Wintzingerode*'s Departure, which, from their being variously employed, is very possible to be true; consistent with Lieutenant Colonel *Sloper*'s Account.

His Lordship has endeavoured to raise an Argument against the Credibility of Lieutenant Colonel *Sloper*, even from what has been offered, in Confirmation of his Testimony upon the Reply; but if proving that a Witness, even at the Time of the Transaction in Question, and presently afterwards, held the same Language as at the Trial, tends only to shew his premeditated Malice from the Beginning, and his early Intentions of injuring the Prisoner, it will necessarily follow, that every Person who has without Reserve spoken of a Matter, which he may afterwards eventually be called to prove in a Court of Justice, may, if consistent with himself, have this urged as an Argument against his Credibility; and though, in general, I do not think it desirable, that a Person who may reasonably expect to be called upon as a Witness (which cannot be supposed in the present Case) should frequently and commonly discourse upon the Subject of his Evidence; yet, when that is frequently done, it certainly furnishes the Party with a fair Opportunity of falsifying his Evidence, if he has ever varied in his Account.

It is said by Lord *George Sackville*, that Lord *Granby* is not certain of the Time; and that Lieutenant Colonel
Harvey

Harvey speaks only of *an Hour* before the Prince's Order reached the *Inniskillings*. Lieutenant Colonel *Harvey's* Expression is, — "*above an Hour*," — but not to insist upon a Nicety, I submit to the Court the Improbability of this Relation of Lieutenant Colonel *Sloper's* taking its Rise from the Prince's Orders of the second of *August*, especially as the Discourse was begun by Lieutenant Colonel *Harvey*, and not by himself; and that he then mentions Captain *Wintzingerode* having brought an Order for a Movement *to the Left*.

That Lieutenant Colonel *Sloper* has assigned a less Time than the other Witnesses between the forming of the two Lines and the coming of Captain *Wintzingerode*, from his Expression; "*just after the Line was formed*," must be admitted: but might not this forming be mistaken for the Time of the Cavalry's advancing a little, upon Captain *Smith's* Remonstrance, to a more commodious Spot? which first forming Captain *Smith* himself had confounded; for some Time, with that more advanced Position, till his Lordship, by a Question, reminded him and set him right.

That Lieutenant Colonel *Sloper* mentioned to Captain *Ligonier*, Captain *Wintzingerode* having delivered an Order *Half an Hour* before him, at the Time when he seemed piqued and hurt with the Delay; and which; he himself acquaints the Court, was his Expression to Captain *Ligonier*; and now, upon Reflection, speaks of a *Quarter* of an Hour only, is surely no Argument of Misrepresentation or Unfairness, but rather proves, against his Lordship's Imputation; that he comes into Court prepared to support his former Assertions, so far only as he thinks them founded in Truth. And I most heartily wish, that no Witness ever came into Court with any other Bias, than that of being determined to support, what he has before honestly related.

I must here also beg Leave to observe, that it seems a pretty extraordinary Way of Reasoning, in the same Breath to insist, that one Witness being positive, as to his having always used almost the same Words in his Account of the Order, should impeach his Veracity, or, at least, his Credit; and that another Witness not pretending to remember the Words, but only the Substance, should furnish an Argument of his being mistaken, and thinking he expressed what he did not.

It is not without a Degree of Surprise, that I find the Circumstance of his Lordship's being in the Front, or about the Right of the *Inniskillings*, and not at the Right of *Bland's* Regiment, (upon which so much Stress had
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been laid, as that which would clearly overthrow the whole of Lieutenant Colonel *Sloper's* Evidence) now treated as a trivial Matter, and which may easily be given up.—Has it not been asked repeatedly? Has it not been endeavoured to fix it by a Circumstance which could not err?—The Evidence given by the several Witnesses is in Memory of the Court: In Opposition to which you have the united Testimony of Lieutenant Colonel *Ligonier*, and Lieutenant Colonel *Sloper*,—Major *Marriott*, who saw Lieutenant Colonel *Ligonier* pass beyond the *Inniskillings*,—Major *Hepburn*, who, though in one Particular differing from the last Witness, saw him come from the Right, which, by the Account of all the Witnesses, must have been after the Delivery of his Orders;—and lastly, *Ornet Earle*, whose Post was in the Right Squadron of *Bland's*, saw Captain *Ligonier* come up to his Lordship at the Head of that Squadron, and Lieutenant Colonel *Sloper* near them.

The Place where this Order was delivered, is, in itself, totally immaterial, only as it has given Rise to a Contest, which I am sorry to observe (but in a Court of Justice Things must be stated as they are) has not ended without some Person, either on the one Part or the other, having asserted an Untruth.—On which Side it is, I shall not presume to point out, but shall intirely submit to the Court; but whomsoever it affects, it must be allowed (and so it has been contended by Lord *George Sackville*) there is an End of all Credit to the other Part of that Witness's Testimony. Those who speak from Judgment, tho' positively, may be mistaken; but those who speak from Facts and Circumstances,—whether Witnesses for the Prosecution, or for the Defendant,—if they are wrong, must be more than mistaken.

I shall only make one more Remark with regard to Lieutenant Colonel *Sloper*; that neither in his Narration of the Orders, nor his Opinion, as to the Non-execution of them, can he have been actuated, or in any Degree influenced, by the implied Censure contained in the Orders of the second of *August*; because he is shewn, in Part, to a Certainty, and, in general, at least to a very great Degree of Probability, to have held the same Language before those Orders came out. As, on the other Hand, it is impossible, that the Prince's Opinion can have been grounded upon any Report of Lieutenant Colonel *Sloper's*; because, when Lieutenant Colonel *Fitzroy* returned to the Prince, H. S. H. expressed his Surprise

Strongly, not in Words, but in Action; and though his H. S. H.'s usual Moderation and Politeness may have prevailed, when his Lordship went to him for an Explanation of the Orders, yet the Sense he had of his Lordship's Conduct, at that Time, is strongly marked by his sending the Order for advancing, presently after, to Lord Granby, with this Observation, "*As I know he will obey me.*" Having mentioned H. S. H. I shall beg Leave, once for all, to observe upon the Orders, which accompanied those for the *Feu de Joye*, and which were never meant, on the Part of the Prosecution, to have been introduced into this Trial: The Case is by no Means similar between that of his Lordship and the General, whom he has named. It does not become me to speak of Generals of other Nations, much less of H. S. H.'s Opinion upon their Conduct; but at most, in the one Case, the General alluded to has not received personal Thanks: whereas, in the other, a Wish is expressed, that H. S. H. had had the *good Fortune to have Lord Granby at the Head of the Cavalry of the right Wing*. And the Conclusion of those Orders, wherein his Highness desires and orders, that his Generals upon all Occasions, when Orders are brought to them by his Aides-de-Camp, do obey them punctually, and without Delay; tho' it may possibly be applicable to some others, seems without any forced Construction to relate, in Part at least, to the General, whom H. S. H. had the Day before deemed to be wanting in that Obedience.

As far as my Opinion will avail, I do agree with his Lordship, that it is inconclusive and improper to argue from the Consequences, which the Cavalry's marching immediately would have had; for tho' a Person, who wilfully disobeys an Order, is, in some Respects, responsible for the Mischief that ensues; yet, when the Consequences are merely accidental, and do not depend from the Act of the Person accused, it seems too much to introduce that Circumstance, as an Aggravation of Guilt: As, on the other Hand, I conceive, that a clear Proof of the Infantry having pushed the Enemy with that Impetuosity from the first Onset; that it was impossible at any rate the Cavalry could have come up from the first Delivery of the Order (this being a Circumstance which in no wise depended upon his Lordship, and which could not possibly be foreseen) cannot have the least Weight in Excuse, or Extenuation of any Delay by him committed. The probable Consequences

sequences at the Time seem alone proper to be taken into the Question; but that whole Matter is in Evidence before the Court, and they will pay such Regard to it, as shall appear to them reasonable.

I come now again to the Orders brought by Captain *Wintzingerode*, which constitute a very material Part of the Case; for I must submit to the Court, that Lord *George Sackville* is accountable for the whole Time which intervened between the Delivery of those Orders, and the Marching of the First Line of Cavalry under Major General *Mosby*. I say, his Lordship is accountable for the whole of the Time; because, admitting that a Difference between the Orders afterwards brought by Captain *Ligonier*, and Lieutenant Colonel *Fitzroy*, would account for Part of the Time; yet, if these first Orders had been immediately put in Execution, as his Lordship understood them, I must submit, that the Cavalry would have been marched, and that Perplexity would never have happened. In fixing that Period of Time with any Degree of Precision, we shall find much Difficulty, from the great Uncertainty which must ever be expected, when we are to be determined by the Opinions or Observations of different Persons, with Regard to Time and Distance: I wish that had been the only Contradiction in the Evidence upon this Trial. But, first, as to the Orders themselves, Captain *Wintzingerode*, whom his Lordship has more than once (and deservedly) complimented as a candid Witness, has sworn them, in Substance, to have been for the Cavalry of the Right Wing to advance, and form upon the Heath, in a third Line behind the Infantry, to sustain them.—And he has added, that he repeatedly explained to his Lordship, that he was to pass with the Cavalry between the Trees that he saw upon his Left; that he would then come upon the Heath, where he was to form with the Cavalry, to advance, in order to sustain our Infantry.

His Lordship here remarks, that it is very natural for a Person to suppose, that, what he means to express, he has expressed plainly, though the Person to whom he speaks finds great Difficulty in understanding him. That this often happens to a Degree, I readily admit; and therefore should have no Difficulty in believing, that the Contents of the Order might have been transposed, and that the Forming in a third Line, for Instance, might have been mentioned first in Order before the advancing; which Circumstance

might possibly account for the Manner in which several of his Lordship's Witnesses have understood the Order, or that when he spoke in *English*, it was a Repetition of the Order, instead of the Explanation, or, *vice versa*; but if not a Word was said, either of passing through the Trees, or of going to the Left, in order to come to the Heath, in the Rear of our Infantry; which Circumstance, he has expressly said, was repeated more than once; or if the Witness never spoke in *English* at all, I must honestly confess, that I should have no Opinion, not only of the Candour, but of the Veracity of such a Witness. The Order and Explanation of it, as stated by Captain *Wintzingerode*, are very expressly and fully proved by Lieutenant Colonel *Sloper*, and is strongly corroborated by the Evidence of Lord *Granby*, to whom the Witness, both in his Way to Lord *George Sackville*, and again when he returned, after meeting Lieutenant Colonel *Fitzroy*, related the Order in like Manner; and as a farther Proof thereof, Lord *Granby* not only understood it in that Sense, but it was actually, in Part, carried into Execution by the second Line, under his Lordship's Command, the Witnesses leading them through the Wood.

In Contradiction to this, it has been said by Lord *George Sackville's* Witnesses, that they only heard the Order for forming the Line, as a third Line to sustain the Infantry, and to advance; that they did not hear Captain *Wintzingerode* explain his Order in any other Manner, than by repeating it; and that they never heard him speak in *English*.—Lieutenant Colonel *Hotham*, in particular, says, more might have passed undoubtedly;—but he did not hear it.—Captain *Hugo*, that Captain *Wintzingerode* might have spoke in *English*, and he not have heard it; but probably not. Lieutenant *Bisset* says, it is possible, but not very probable, that more might have passed, as he was very near; and he judges, that Captain *Wintzingerode* staid no longer than repeating his Orders twice: the others were not present the whole Time; but none go so far as to say expressly, that the rest could not have been said without their hearing it.—Now, whether this is sufficient to set aside the Evidence of two Witnesses, who swear expressly, and particularly, must be submitted to the Court.

To the carrying the Orders into Execution, in the Manner stated by Captain *Wintzingerode*, I remember no Obstruction, but the Train of Artillery, said by some Witnesses,

nesses, to be passing upon the Left.—What Delay that could have occasioned, or how easily it might have been obviated by halting the Train, must be submitted to those who are the proper Judges ;— Captain *Smith* has given the Cavalry five Minutes for passing them. And, in respect of the Wood, Lord *George Sackville* might easily have been informed by Captain *Wintzingerode*, how little Impediment the Cavalry would meet with from that ; or he could have conducted them through the Wood, as he afterwards did Lord *Granby*. But in respect of the Artillery, which his Lordship seems to have laid much Stress upon, it is observable, that (besides the Impediment arising therefrom being easily removed) Captain *Wintzingerode*, who came through the Wood thrice ; Lieutenant Colonel *Ligonier* and *Fitzroy*, when they came with their respective Orders ; Lieutenant *Bisset*, when he went through the Wood with Captain *Roy* ; the Rev. Mr. *Hotham*, at the Time he passed the Wood ; also Lord *Granby* and Lieutenant Colonel *Pitt*, when they marched with the second Line ; neither of them speak of falling in with the Artillery, or of any Obstruction which might have been occasioned thereby.

The Circumstance of removing the *Saxe-Gotha* Regiment, as likewise the sending Captain *Broome* to the Front, to bring an Account of what was doing there, seems to favour the Argument of his Lordship's understanding the Orders to be for advancing forward :—Admitting that to be the Case, no other Impediment than the *Saxe-Gotha* Regiment (and I must submit to the Judgment of the Court, how long that could have continued such) has appeared to prevent their marching directly in two intire Lines. How far that was done, must also be submitted.

His Lordship has taken Advantage of a Question asked of a Witness (which was done in the Way of considering this as a Trifle, or an Impediment of little Consequence) whether the Obstruction arising from that could not be removed in five Minutes ; but if I am rightly instructed by Gentlemen of the Profession, (though I need only refer myself to those I am speaking to for better Information) it might have been done in two ; and his Lordship must be sensible, how inconsiderable the Impediment arising from this Regiment has been represented by his own Witnesses.

His Lordship also sent Captain *Lloyd*, another Aide-de Camp, to find out our Infantry, and report their Situation, that he might then judge, in what Manner, and by what
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Movements, he could best fulfil H. S. H.'s Intention. Time might certainly have been saved in this Respect, by procuring that Information from Captain *Wintzingerode*; at least, this, which was one of the first Things necessary to be known towards the Execution of the Orders, should not have been delayed till the last; whereas we find this Aide-de Camp just sent off, going towards the Wood, and he had only reached the Skirts of it when he met Captain *Ligonier*.

It ill becomes me to form any Judgment upon the Construction, much less of the Execution of a military Order; but it appears to me, that under the Difficulties which his Lordship has stated, with regard to the Wood on the Left, with which he was unacquainted; and knowing how open the Ground was in Front, especially as he should neither have thought himself obliged to follow, nor understood the Order for marching to the Left, the first Step necessary to be taken, would have been to have advanced forthwith with all convenient Expedition, till the Ground admitted of the Cavalry's forming in Line, and then forming one Line, and marching to the Rear of the Infantry.

In order to judge upon this Part of the Case, it would be very desirable to fix the Distance of Time between the going of Captain *Wintzingerode* and the coming of Captain *Ligonier*, which his Lordship gave the Court Expectation that his Witnesses would be able to ascertain, by what was done in the mean Time.—Lieutenant Colonel *Hotbam* judges it, but speaks purely from Opinion, from Five to Ten Minutes: Captain *Hugo*, judging from his going to the *Saxe-Gotha* Regiment, says, it appears to him to have been Seven or Eight Minutes.—Captain *Lloyd* is said by his Lordship to have given the same Evidence, from the like Reason.—I dare say that is so; but, from the Bulk of the Evidence, I have not been able to turn to it.—Captain *Smith* fixes pretty much the same Portion of Time —(for he came up when Captain *Hugo* was receiving his Orders to go to that Regiment)—at Two Minutes only.—Captain *Wintzingerode* has, as his Lordship states, said he was full Gallop till he met Lieutenant Colonel *Fitzroy*, before whose Arrival the Cavalry was just then put in Motion. Lieutenant Colonel *Sieper* has fixed that whole Time at upwards of a Quarter of an Hour.—Lord *Granby*, between the going of Captain *Wintzingerode* the first Time, and his coming the second Time, makes it Twenty Minutes:—And if we allow
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for the several Persons dispatched by Lord *George Sackville*, and his sending for General *Elliot* in the Manner mentioned by Lord *Granby*, which may fairly be considered as Evidence to fix a Point of Time, though I should not have thought it such, with regard to any Account of Lord *George Sackville's* Behaviour. — I submit to the Court how much Time may be reasonably supposed to have intervened ; — but I must humbly contend, taking it at a Medium, the Time will appear, at all Events, longer than necessary, either for halting the Train, or removing the Impediment arising from the *Saxe-Gotha* Regiment.

If that be the Case, by advancing as soon as possible in Two Lines, upon *Wintzingerode's* leaving his Lordship, the Cavalry must have been marched before even *Ligonier's* Arrival ; and his galloping up afterwards could only have accelerated their Motions ; — and the Doubt, which arose on Lieutenant Colonel *Fitzroy's* Arrival, in all human Probability, could never have had place.

It is impossible here not to take Notice of an Insinuation of his Lordship, That if, by hastily obeying the Orders of Captain *Wintzingerode*, any Misfortune had been brought upon our Cavalry, he might have been standing at your Bar for having given too much Credit to Orders brought by an Officer not properly authorised to deliver them to *British* Troops. — Surely this is nothing less than arraigning his Majesty's Justice, who would suffer a Person to be brought to Trial for the Obedience of that very Order, the Disobedience of which is now represented as criminal. I must here remind the Court, that Lieutenant Colonel *Hotbam* has informed you, that Captain *Wintzingerode*, and other *German* Officers, were reputed Aides-de-Camp in the Army ; and he knows nothing to the contrary of his Lordship having, in the Course of the Campaign, obeyed all Orders brought by them. I would not argue, from introducing this Circumstance, that his Lordship's Case required any Help from it ; but I cannot otherways see the Use even of mentioning it.

I shall now consider Captain *Ligonier* as arrived, who has also been misunderstood in the Relation of his Orders, or rather of his Explanation of them ; for he has expressly sworn, and in that he is confirmed by Lieutenant Colonel *Sloper*, that, upon Lord *George Sackville's* ordering the Cavalry to march, he told his Lordship " To the Left, " — though his Lordship, here again, has no Candour towards
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Lieutenant Colonel *Sloper* ; and where he says that Captain *Ligonier* delivered the Duke's Orders, that he immediately advanced with the Cavalry under his Command, and that the Movement was to the Left.—Lord *George Sackville* makes these last Words in Lieutenant Colonel *Sloper's* Mouth to be a Part of the Order ; and thence argues that he contradicts Captain *Ligonier*, which, to my Understanding, is, from the Force of Expression, otherwise. Captain *Ligonier* likewise says, that upon his Lordship's observing that his and Lieutenant Colonel *Fitzroy's* Orders were contradictory, he answered, " In Numbers, my Lord ; but the Destination is the same, — To the Left ! " Also, that his Lordship asked if he would conduct them.

But if his Lordship understood the Orders for marching in Front ; or, be it admitted that it was the Result of his Lordship's Judgment, as a more expeditious Way of executing the essential Part of the Order, either in this or *Wintzingerode's* Case ; why then was not the same continued upon Lieutenant Colonel *Fitzroy's* Arrival ? In whatever they differed, the Orders of both were positive and pressing to advance.

But, to consider the Difference between *Ligonier's* Orders and *Fitzroy's* :—As it was not clear they were the same Order, the first Point to be informed of, evidently was, which came last from the Prince ? If it was said, that they came from the Prince at the same Time, and brought the same Order, which is represented as said by Lieutenant Colonel *Fitzroy*, though not recollected by himself, this at least shewed the Importance of the Service, and the pressing Necessity there was for taking some Step in Consequence ; and obeying either the one or the other, in such Circumstances, should seem infinitely preferable to hesitating, and for a Time obeying neither. Had the *German* Cavalry been left behind, which consisted of Ten Squadrons, it was evident, in either Case, they were all that were intended to be left ; and the Support from the *British* only, where Cavalry were so much wanted, must have been better than none : And, especially had the March been in the Front, the Objection of the *Hanoverians* being the nearest to the Wood, would have ceased.

If it was adviseable to advance with the *British* at all, before an Explanation, certainly there was the strongest Reason for doing it instantly.

The greatest Part, if not the Whole, of the Time lost by this Hesitation, must be imputed to his Lordship ; (I do not
here

here mean an Imputation of Blame—that the Court will determine), in the ascertaining of which there will, I doubt, be nearly the same Difficulty as in the former Case. Lieutenant Colonel *Johnston* estimates the Time from his speaking to Captain *Ligonier* upon his Return, to the marching of the Blues, at about Twenty Minutes.—Lieutenant Colonel *Fitzroy* estimates, from the Time of his delivering his Orders to Lord *George Sackville*, to the Time of Captain *Smith* being sent back to the Cavalry, at a Quarter of an Hour; which pretty nearly coincides with Lieutenant Colonel *Johnston's* Account.—Lieutenant Colonel *Sloper* makes it more.—Lieutenant Colonel *Pitt* speaks, besides the Halt for forming the second Line upon coming out of the Wood, of another Halt upon the Heath, for about a Quarter of an Hour, for the coming up of the first Line, and forming one Line.—Captain *Smith*, indeed, makes the whole Space from his going to load his Pistols (which was prior even to Captain *Wintzingerode's* coming) to the Cavalry's being put in Motion, when they marched with General *Moslyn*, at less than eighteen Minutes.—Captain *Hugo* calls it a *short time* from the coming of Lieutenant Colonel *Fitzroy*, to Lord *George's* sending back Captain *Smith*. I do not find any other Account (but, in the Multiplicity of Evidence, I may be mistaken); and, upon the Whole, I presume it may not be unreasonable to put it about a Quarter of an Hour.

Supposing (for, 'till I know the Sentiments of the Court, I must suppose every possible Case) that the whole of the Time from the Departure of Captain *Wintzingerode* to the coming of *Ligonier*, and from that Time to the setting out for the Prince, has been well accounted for; yet there will still remain the lost Time, whatever it be, from thence to the First Line of Cavalry marching with General *Moslyn*.

If the whole Cavalry, or the *British*, had been forthwith advanced, and his Lordship, for more Certainty, had sent, or even gone to the Prince for an Explanation, no Time being thereby lost, I presume, there could have been no Cause of Blame; but that his Lordship should term the Space, which must necessarily be taken up in obtaining that Explanation, and which, I believe, will not be thought excessive, if estimated at five Minutes; I say, that his Lordship should term that Space a trifling Delay, on so pressing an Occasion, may perhaps seem extraordinary.

As to the Pace of March, and the Necessary or Propriety of the Halts after coming upon the Heath, I must submit

them to the Court;—premising only, that for whatever Delay was made therein, whether by Halts or otherwise, after his Lordship's Return from receiving his Orders from the Prince, he is accountable.

These, as his Lordship has very justly observed, are Matter of Judgment: But the Court will also exercise their Judgement thereupon; and, after making proper Allowance for the different Opinions of Officers, will examine how far the Discretion vested in the Commander has been properly exercised; and, if any unjustifiable Delay appears to have been made, they will consider that as a Breach of the Orders under which he acted. The Cavalry Officers, who have been examined upon the Subject, have informed the Court, what Halts were made, and I must leave them entirely to the Court.—They have said, that the Movements appeared to them slow: Lieutenant Colonel *Pitt* has said particularly, that, from the Time they marched, he thinks they might certainly have proceeded much quicker, and yet have been in a proper Condition for Service; and Lord *Granby* has mentioned his being vexed and displeased with Lord *George Sackville's* Manceuvres. Captain *Smith*, on the other hand, has mentioned having met his Lordship in the Front of a good many Squadrons in full Trot, and at a very brisk Rate, upon the Heath, about the Place where the Cavalry first came to the killed and wounded.

One Halt of the second Line, upon which considerable Stress was laid in Support of the Charge, is after the Order brought to Lord *Granby* for advancing, and that Order communicated by Lord *Granby* himself to Lord *George Sackville*. This has received for Answer, That this Order not detaching the second Line from his Command, he still continued the Judge of the proper Rate of advancing, which must be admitted; but he at that Time took upon himself that Judgment at his Peril; and if any Halt, not clearly necessary, was made, after the Prince had so strongly pointed out his Earnestness and Impatience for their coming up, it will certainly weigh infinitely more, in the Opinion of the Court, than if no such Order had been given.

There are, I am persuaded, many other Circumstances in his Lordship's Observations well deserving of an Answer; but as I have already taken up so much of your Time, and, I fear, so little to your Satisfaction; and as every Member of this Court is so much better able to judge, not only of the Disposition of Troops, and the Movement of Cavalry, but
of

of every Part of this Case, than I can possibly be, I shall leave the Matter to your Consideration.

Upon the Whole, if any of the Orders, brought either by Captain *Wintzingerode*, Captain *Ligonier*, or Lieutenant Colonel *Fitzroy*, appear not to have been obeyed with all the Expedition which, under the several Circumstances now before you in Evidence, shall appear to have been practicable; or if any blameable Delay was afterwards made in the March, whether by Halts or otherwise, when Lord *George Sackville* considers himself as acting under the Prince's immediate Orders; I submit, that you will be under the disagreeable Necessity of finding his Lordship guilty; and, in your Judgment, will have regard to the Degree of the Offence, with respect to the Proportion and the Motive of the Delay.

On the other hand, if you think that the whole Time is well accounted for, and that there has been no blameable Delay whatever, his Lordship will be intitled to that Acquittal, which every Member of this Court will, in that Case, most chearfully pronounce."

LORD GEORGE SACKVILLE then desired the Indulgence of the Court, before he withdrew, to offer a few Observations upon the Evidence given in Reply; which having obtained, his Lordship proceeded as follows, viz.

" I Shall now say a few Words with regard to the Evidence in Reply, brought to confirm Colonel *Sloper's* Testimony, that I was at the Right of *Bland's* Regiment when Captain *Ligonier* delivered his Order to me.

It is difficult, as I have already observed, to fix with Precision, at what particular Part of a Line a General Officer may have stood while he received an Order; though it is easy to ascertain, whether he was at the Extremity of it, or not: The Witnesses, in Defence, have not attempted to be positive as to the particular Spot where I was; but only, that I was not at the Right of *Blana's*, the Extremity of the whole Line.

Colonel *Hotham*, Lieutenant *Bisset*, Captain *Lloyd*, and Lieutenant *Sutherland*, who were all present with me, and heard the Order delivered, think, to the best of their Recollection, I was somewhere about the Right of the *Immis-killings*; or, as Colonel *Hotham* says, the Left of *Bland's*; but not on the Right of *Bland's*. Lieutenant *Bisset* recol-

lests it from this Circumstance, that he does not remember at that Time the Hedges that were on the Right of the Line, Lieutenant *Sutherland* is positive, that I was not on the Right of *Bland's*, because he called for Captain *Ligonier* upon the Halt that Colonel *Fitzroy's* Order occasioned, and remembers that he saw him come from the Cavalry upon the Right, which was *Bland's*. Captain *Smith*, who was then standing himself at the Right Squadron of *Bland's* with Colonel *Sloper*, saw Captain *Ligonier* come up to me, as well as he can recollect, about the Right of the *Inniskillings*; for he imagines, that, when I gave the Word, *March*, I directed my Voice to that Regiment; and he relates the Circumstance which fixed it in his Memory, That Colonel *Sloper* said his Men had not thrown away their Picquet-Poles, and desired him to go and beg, that I would wait a Minute, till they had done it.

Against this Evidence there was only the Testimony of Captain *Ligonier*, who said he delivered his Orders to me at the Head of *Bland's*; but coming in a Hurry, and leaving me soon, he might very easily have mistaken the Place; and Colonel *Sloper*, who said his Post was there, and he heard the Orders delivered; but the Orders which he relates are proved by all the other Witnesses, and by Captain *Ligonier*, to have been different from the Orders delivered.—This is not the only Objection to Colonel *Sloper's* Evidence in this respect, though it is a strong one; but he swears so differently from every other Witness in another Circumstance, that if the Prosecutor insists still upon supporting his Credit, he must of Necessity admit, that his Memory is extremely confused with regard to Captain *Ligonier's* Order.

All the Witnesses agree, that after the Cavalry had moved forwards a little Way, from where Captain *Malhortie* halted them, to a more extensive Ground, they made no other Movement till Captain *Ligonier* arrived; and then, immediately upon the Order, they drew their Swords and advanced.

Colonel *Sloper* has not only introduced a Movement between Captain *Wintzingerode's* Departure and Captain *Ligonier's* Arrival, of which no other Witness but himself makes any Mention, but he totally omits the Movement made upon Captain *Ligonier's* Arrival; and says positively, in another Part of his Deposition, that Captain *Ligonier* was a Quarter of an Hour with me; and that the Cavalry did not move till Twenty Minutes after I left them, to go to the Prince.

Now

Now should it be supposed for a Moment, that in these particulars, Colonel *Sloper* had not wilfully mistated every Circumstance, what is the Consequence? That he was in so much Confusion, with regard to Captain *Ligonier's* Order, that every thing which is said of him, on that Occasion, may be true, and that his Account of it cannot be relied on.

Captain *Ligonier* has been examined again.—He was asked, if he remembers seeing Colonel *Sloper*, when he delivered his Orders to me. He had before said, that immediately upon his Order, without answering him, I gave the Word, to march, to the Troops, which they did: He has now said, not that he saw Colonel *Sloper*, when he delivered his Order; but that after Colonel *Fitzroy* delivered his Order he saw and spoke with Colonel *Sloper*: And in his first Examination he says, that he did not hear what passed between Colonel *Fitzroy* and me, being at some Distance with Colonel *Sloper*.

It appears now therefore, that Captain *Ligonier* did not speak with Colonel *Sloper* immediately after delivering his Order, as this last Witness represented it; but after the Troops had advanced, and were even halted, upon Colonel *Fitzroy's* coming up—which is not inconsistent with Captain *Smith's* Evidence; for the Circumstance of Colonel *Sloper's* desiring me to stop, till his Men had thrown away their Picket-Poles, must have happened before this.—And it also appears, that when Captain *Ligonier* spoke with Colonel *Sloper*, he was at some Distance from me: It is no Contradiction to Captain *Smith*, that Captain *Ligonier* does not remember to have seen or heard him deliver his Message to me: That is easily accounted for by the general Hurry when a March is begun; and Captain *Smith* says, Captain *Ligonier* might possibly not hear him, as the Drums were then beating.

Two Officers of the *Inniskillings* have been examined, to shew that I was not at the right Squadron of the *Inniskillings*, when the Order was delivered. None of them saw or heard Captain *Ligonier* deliver his Order; and unless they had, they could in no Degree contradict the Evidence of those who were present when it was delivered.—Major *Murriot* says, Captain *Ligonier* told him, he brought Orders for the *British* Cavalry to advance.—And Major *Hepburn*, who commanded the Right Squadron of the *Inniskillings*, says, “ That, as he was frequently in the Rear, he cannot
say;

say; that, if Captain *Ligonier* had delivered his Orders to me in the Front, he thinks he should have seen him."—Both these Officers, too, have a very imperfect Memory of the Circumstances they speak to. They both seem to place the Cavalry's advancing *after* Captain *Ligonier's* Return from delivering his Order; whereas it is agreed, that immediately upon the Order the Troops advanced; and after that Captain *Ligonier* went to the Right to Colonel *Sloper*, before he could return towards the *Inniskillings*.

An Officer of the Right Squadron of *Bland's* was likewise called, and he proves very little;—He says, that soon after we halted, I was at the Head of *Bland's*; and that I was there also when Captain *Ligonier* came up; but then he says, that he cannot recollect, where I was when the Squadron advanced. Now it is certain, from Captain *Ligonier's* Evidence, that I advanced immediately, and from the same Place where he delivered the Order; and this, together with what he says, that he was at too great a Distance to perceive Captain *Ligonier* and me talk together, shews the very imperfect Recollection the Witness has of this Circumstance. In regard to Captain *Smith*, this Witness confirms his Evidence in one Respect: He proves, that the Squadron had thrown away their Picket-Poles before it began to move. He says, indeed, they did it while they were moving; but Captain *Smith* does not say that he saw them halt, only that he heard the Word given to halt, and after that he left them.

Colonel *Johnston* proves nothing, but that he saw Captain *Ligonier* pass along the Front of the Blues; but he did not see him deliver his Order.

The former Evidence, then, on this Article, seems to me rather weakened by this unsuccessful Attempt to strengthen it.

The Three Officers, who did not see Captain *Ligonier* deliver his Orders, I may venture to lay aside entirely. Captain *Ligonier's* second Examination, as I have already shewn, has weakened his Evidence. If Colonel *Sloper* is to be believed—Captain *Ligonier*, and every other Witness, is wrong; so that the whole Proof that I was at the Head of *Bland's*, rests upon Cornet *Earle*, whose Memory is plainly very indistinct; and it is proved that I was not, by Colonel *Hotham*, Lieutenant *Lloyd*, Lieutenant *Bisset*, Lieutenant *Sutherland*, and Captain *Smith*.

I would

I would not have given the Court any Trouble about this, from a regard to my own Cause, which cannot be in the least affected by it; but as I have shewn an Anxiety to remove the seeming Contradictions of the Witnesses against me, who have behaved with Candour, I could not pay less Attention to the Witnesses in my Behalf.

If there are Contradictions in the Evidence, that Imputation must fall somewhere:—let it fall where it ought. Let those who have sworn falsely feel it in their Breasts: Let them remember they have sworn wrong: Let them feel the Effects of it: This is Punishment. A guilty and a disturbed Conscience will inflict *that Punishment*, without any other Resort. Let it light where it is due. Let them examine their Hearts, whether they have given their Evidence, as they ought: Let them, if they can, spend their Lives without being punished.

As to my Witnesses, I have only this to say, it appears, at least, that they can have no Temptation to say what is not true: They stand up in an unfashionable Cause, and, I may as yet say, in Defence of an injured Man.

Till the Court has said I'm guilty, I stand here with a Conscience innocent, asserting that Innocence, which bears Testimony for me.

My Witnesses cannot say what they have said, without being convinced that it is Truth, and said in support of Innocence. They can have no Motive of Interest: What Motives of Interest can there be on the Side of one who is a Prisoner, who has been in great Employments; perhaps unworthily! Employments which, had I continued in Power, might have procured Good Will, at least the Appearance of it. At present they can have no Temptation, but the Force of Truth; and by their appearing in that cause, and on these Motives, they deserve as great a degree of Credibility as any Witness at any Bar. In Justice to them, I have troubled the Court thus far. I shall trouble them no longer, but express my Acknowledgments, not only for their Patience in hearing me, but for the many Instances of their Indulgence. I can expect no better Security for my Cause, than their uninfluenced Determination. I have mentioned already, that I have the Security of their Oath; I have a stronger still, their Honour: Upon that I rely.—If I am guilty let me be declared so. If I am not guilty, let the Court shew, by their Sentence, that they will with Pleasure protect the Innocent."

THIS

THIS COURT, upon due Consideration of the whole Matter before them, is of Opinion, That Lord George Sackville is GUILTY of having disobeyed the Orders of Prince Ferdinand of Brunswick, whom he was, by his Commission and Instructions, directed to obey as Commander in Chief, according to the Rules of War: And it is the farther Opinion of this Court, That the said Lord George Sackville is, and he is hereby Adjured, unfit to serve his Majesty in any military Capacity whatever.

Charles Howard.

A True Copy.

CHARLES GOULD,
Deputy-Judge Advocate-General.



F I N I S

